

WARREN TOWNSHIP SEWERAGE AUTHORITY
TOWNSHIP OF WARREN

County of Somerset
State of New Jersey

RULES AND REGULATIONS

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1. INTRODUCTION. The Rules and Regulations of the Warren Township Sewerage Authority (the "Authority" or "WTSA") have been promulgated to ensure a smooth administration and operation of the Authority and of the sewerage system. The members of the Authority anticipate that customers and developers will find these rules and regulations of assistance. The Rules and Regulations are a compilation of the policies and practices of the Authority as embodied in previously adopted resolutions.

1.1. DEFINITIONS. As used in these Rules and Regulations:

a. "Authority Engineer" or "Engineer" shall mean the appointed Authority Engineer or Consulting Engineer designated by the Authority to act on its behalf.

b. "Capacity Rate Charge" or "Connection Fee" shall mean that charge established by the Authority by resolution for connection of any structure to the sewage collection system pursuant to N.J.S.A. 40:14A-8(b).

c. "Permit to Construct" shall mean that document issued by the Secretary (defined below) before any sewer construction (including, but not limited to, excavation, installing of pipe, construction of pumping stations and construction of treatment plants) shall be allowed.

d. "Secretary" shall mean the duly appointed person to act as Secretary to the Authority.

e. "Sewer Use Fee" shall mean that charge established by the Authority by resolution for use of the sewage collection system pursuant to N.J.S.A. 40:14A-8(b).

Other terms shall have the meanings given in these Rules and Regulations, or by the provisions of the Sewerage Authorities Law (N.J.S.A. 40:14A-1 *et seq.*) and the New Jersey Department of Environmental Protection's regulations.

1.2. OFFICE OF AUTHORITY AND HOURS OF BUSINESS. The principal office of the Authority and place of business is the second floor of the Warren Township Municipal Building, 46 Mountain Blvd., Warren, New Jersey 07059 (908-753-8000).

The office of the Authority will be open for the purpose of transaction of regular business between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except on legal holidays.

2. AUTHORITY OVERVIEW.

2.1. AUTHORITY ORIGIN. The WTSA, an independent, public entity, was created pursuant to the New Jersey Sewerage Authority Act and by virtue of a Warren Township ("the Township") ordinance on September 7, 1972. The Authority is a separate public entity from Warren Township. Its primary responsibility is to plan for, construct, operate and maintain wastewater facilities within the Township.

2.2. SEWER SERVICE AREAS. The Authority's sewerage system is divided into five sewer service areas, denoted by the Stage I and II service area, the Stage IV service area, the Stage V service area, the Middlebrook service area, and the Berkeley Heights service area. These areas are each served by a separate sewerage treatment plant. Sewage from the Middlebrook area discharges through the Township of Bridgewater ("Bridgewater") and is eventually treated at the sewerage treatment plant operated by the Somerset Raritan Valley Sewerage Authority ("SRVSA"). Sewage from the Berkeley

Heights area discharges through the sewerage collection system and is eventually treated at the sewerage treatment plant operated by Berkeley Heights.

2.3. MEMBERSHIP. The Sewerage Authorities Law (N.J.S.A. 40:14A-1 *et seq.*), vests the power of the Authority in five members. The members are appointed by the Township Council to each serve five-year terms. Members are appointed in consecutive years. The Authority's Bylaws call for the members to elect a Chairperson from amongst themselves. The Chairperson serves for a one-year term. He or she presides at all meetings and is empowered to execute agreements, contracts and other legally binding documents on the Authority's behalf.

2.4. MEETINGS. The Authority holds its reorganization meeting during the first week of February. At such meeting, the Authority adopts a schedule of its regular work and public meetings, which, depending on the anticipated amount of business, may both be held on the same night of the month. A schedule of meetings may be obtained from the Authority staff. At work meetings, applicants are invited to discuss their applications with Authority members and staff. Applicants are encouraged to bring along any consulting engineers and/or legal counsel to aid in their presentation. The work meeting is for discussion purposes, which gives the Authority members the opportunity to give feedback on all applications before formal action is to be taken. The Authority will determine at the work meeting, based on input from the applicant, the Authority's staff, including its Engineer and Counsel, and members of the public, if an application is ready for formal action at the public meeting. Formal action, such as the adoption of resolutions, is generally taken at public meetings, although the Authority may also act on resolutions at any work meeting.

As provided in the Authority's Bylaws, which are subject to amendment, a quorum of members of the Authority is required for any Authority meeting to take place. Three members constitute a quorum. Action may be taken only when a quorum is present. Three affirmative votes are required to approve any resolution. Notwithstanding any other requirements regarding a quorum or a majority, approval of minutes of any prior meeting shall be by vote only of those members of the Authority who were present at the meeting whose minutes are to be approved, and the vote of a majority of such members present at the meeting at which the minutes are presented for approval shall be sufficient to approve such minutes.

3. APPLICATIONS FOR APPROVAL AND FOR CONNECTION.

3.1. APPROVAL REQUIRED. No connection of any kind or nature shall be made to the Authority's sanitary sewer system, nor shall any sanitary sewer, private sewer system or private sewer plant be constructed until written application for a permit to do so has been completed and presented to the Secretary or other person authorized by the Authority for such purpose and an approval therefor, or appropriate waiver, has been duly granted by the Authority. Approvals or any appropriate waivers shall include any conditions that the Authority deems appropriate under the circumstances. An applicant may submit a concept plan for informal discussion prior to formal application. In addition, as set forth in Paragraph 3.1(i) below, the Authority may require an application for any construction within an existing sewer easement.

The following types of applications are made to the Authority:

a. Application for concept plan prior to the submission of any other application.

b. Application for Preliminary Approval for construction of sewer system extensions, including sewer lines, pump stations, etc.

c. Application for Final Approval for construction of sewer system extensions, including sewer lines, pump stations, etc.

d. Application for Preliminary Approval for a proposed connection to the existing sewer system with no proposed sewer extension.

e. Application for Final Approval for a proposed connection to the existing sewer system with no proposed sewer extension.

f. Application for a Connection Permit, which is the permit that actually allows the property to be physically connected to the sewer system. Connection Permits shall not be issued for any structure until Final Approval is granted by the Authority, where construction requiring Final Approval is involved.

g. Application for a Waiver of Authority Approval, where a development requires land use approval but does not impact on the sanitary sewer system.

h. Application for a Request to Review Water Quality Management Plan Amendment.

i. Application for Preliminary and Final Approval for proposed construction within a sanitary sewer easement. In addition to the other provisions of this Article 3.1, pursuant to this paragraph, 3.1(i), no construction within a sanitary sewer easement shall commence without submission of an Application and Authority approval, unless the Authority has otherwise notified the party intending to undertake such construction, in writing, that such construction may proceed without formal Application

or Approval, which notice will be provided when the Authority determines such construction will not impact the sanitary sewer system.

3.1.1. DRY LINES APPROVAL. Unless special circumstances require an exemption, any subdivision which proposes to use individual septic systems shall be accompanied by and obtain approval for the construction of dry or conditional wet line collection system sewers, as applicable, which would be used when sewer service becomes available. Such dry or conditional wet lines are required by virtue of the fact that the entire Township of Warren is within the sewer service area of the Authority and the Wastewater Management Plan for the Township of Warren, as approved by the New Jersey Department of Environmental Protection (the "DEP"), provides for sewerage of the entire Township due to soil conditions. Dry lines shall be required where a DEP imposed sewer ban is in effect. Conditional wet lines shall be required where the DEP has not imposed a sewer service ban but the Authority has deemed that capacity is not currently available for the proposed subdivision and that it reasonably expects such capacity to be available within seven years. The Authority's approval of conditional wet lines herein shall be conditioned upon capacity becoming available for the property, and the resolution approving same must indicate that the applicant shall be permitted to construct but not operate the sewer line collection system until capacity becomes available and the Authority has granted the required capacity to the property.

3.1.2. EXEMPTION FOR EXISTING RESIDENCES FRONTING ON SEWER LINE WITH EXISTING STUB. An application for approval (Preliminary and Final) is not required in the event an applicant desires to connect an existing residential dwelling to the Authority's sewer system, where the public sewer line to which

the residential dwelling will connect contains an existing stub intended for such property. Such applicant shall include in his application for connection permit, proof, satisfactory to the Authority, that such residential dwelling will be (i) connected to an existing stub, and (ii) sewered solely by gravity. This exemption shall not apply to applicants desiring to connect any non-residential property to the Authority's sewer system, whether or not a stub exists for such connection.

3.2. FORM OF APPLICATIONS. An original and copy of each application shall be submitted. Applications shall be in writing on forms furnished by the Authority's Secretary and shall be accompanied by plans and specifications as required in these Rules and Regulations. Applications must be signed by the applicant or his duly authorized agent. A completed application must be submitted at least thirty days prior to the work meeting at which it will be considered. The Authority Engineer, in consultation with the Secretary or other persons authorized by the Authority for such purpose, shall determine whether an application is complete. If it is determined that the application is not complete, the applicant shall be so notified by the Secretary in writing. No application shall be accepted for consideration until all outstanding sewer charges and outstanding escrow deposits for the property and the particular applicant, or any other property owned by the particular property owner and/or applicant, have been paid. In addition, no application shall be accepted for consideration until all outstanding sewer charges owed to the Somerset Raritan Valley Sewerage Authority ("SRVSA") for the property and the particular applicant, or any other property owned by the particular property owner and/or applicant, have been paid.

3.3. APPLICATION FOR PRELIMINARY APPROVAL.

3.3.1. OVERVIEW OF REQUIRED DOCUMENTS. In addition to the application forms, an applicant applying for Preliminary Approval must submit two (2) copies of each of the following:

- a. Engineer's Report (design criteria shall be set forth pursuant to DEP requirements for Treatment Works Approvals and Sewer Ban Regulations (N.J.A.C. 7:14A-22 & 23));
- b. Treatment Works Approval Application, or other application forms, and endorsement forms, if applicable;
- c. General Map of the entire project;
- d. Plans and Profiles of all proposed sewers;
- e. General Plan and sewage pumping stations and treatment plants, if any;
- f. Where any pretreatment or treatment plants are required, a feasibility report approved by the New Jersey Department of Environmental Protection; and
- g. Estimated cost of construction.

3.3.2. DETAILS OF REQUIRED DOCUMENTATION FOR PRELIMINARY APPROVAL. The presentation of reports, designs and plans shall be, at a minimum, in accordance with DEP rules and regulations. Preliminary plans must contain sufficient detail so that the related facilities and structures may be constructed from such plans.

a. **Engineer's Report.** A complete Engineer's Report, setting forth the basis of design and the estimated flow, shall be submitted to the Authority for each project. All sanitary sewers shall be designed to carry four times the average flow when flowing full, based upon full development of the tributary area.

The Engineer's Report must also demonstrate that all affected sewers and/or pumping stations will have the capacity to handle the flow associated with the proposed project. Sewers and force mains shall be designed to flow with a minimum velocity of not less than two feet per second at full flow and a maximum velocity of ten feet per second, unless deviation from such minimum or maximum velocity is permitted by the DEP in accordance with N.J.A.C. 7:14A-23.6.

b. **General Map of the Entire Project.** A general map of the entire project shall be furnished showing sewers, each proposed manhole numbered with an approved numbering system, and pumping stations, where required, for the whole area.

c. **Plan of All Proposed Sewers.** Plans shall be of uniform size, 24" x 36", with a 1/2" border on top, bottom and right side, and a 2" border on the left side, the last one for binding. Three sets of plans shall be submitted. The plans shall show the following:

i. **Details.** The plans shall show contours, all existing and proposed streets, surface elevations at all breaks in grade and street intersections, tributary areas with population per acre, the true or magnetic meridian, boundary line, title, date and scale. Any area from which sewage is to be pumped shall be indicated clearly. All sheets shall be numbered. The contour interval may not exceed two feet and scale may not exceed 1 inch = 100 ft.

ii. Symbols. Sewers to be built now and to be constructed later shall be shown by solid and dashed lines respectively. Existing sanitary sewers shall be shown by special designation. All topographical symbols and conventions shall be the same as the ones of the United States Geological Survey.

iii. Elevations. All permanent benchmarks of New Jersey Coast and Geodetic Survey shall be shown. Elevations of street surfaces shall be placed outside the street lines. The elevations of sewer inverts, shown at each manhole location, shall be written parallel with the sewer lines and between the street lines. The elevations of street surfaces shall be shown to the nearest 0.1 foot, and the sewer inverts to the nearest 0.01 foot. Sufficient benchmarks should be permanently established for the area.

iv. Distances, Grades and Sizes. The distances and stationing between manholes, grades in decimal and sewer sizes, material, and strength classifications shall be shown on the plans. Arrows shall show the direction of the flow.

d. Profiles. Profiles shall be provided and show all manholes, siphons, pumping stations, elevations of stream crossings, existing utilities, existing and proposed basements and cellars and first or lower floor elevations and the measured or proposed elevation of the building sewer to be served. Gradients and sizes of sewers, surfaces, elevations and sewer inverts shall be shown at each manhole. They shall be drawn to standard scale, and the scales shall be shown on each sheet. An index of the streets shall also be shown on each sheet. Profile sheets should be numbered consecutively. Drawings shall be of uniform size 24" x 36", and as specified under Section 3.3.2(c). Sewers located in public roadways shall be generally placed six to eight feet deep. Sewers located in easements shall be generally placed at least four feet deep.

Notwithstanding the foregoing, the proposed sanitary sewers shall be designed to a depth which is necessary to serve, by gravity, at a minimum, for an existing or proposed building, the first "story above grade," defined in the BOCA National Building Code, 1993, Section 502.0 as follows:

Story above grade: Any story having its finished floor surface entirely above grade except that a *basement* shall be considered as a story above grade where the finished surface of the floor above the *basement* is:

1. More than 6 feet (1829 mm) above *grade plane*;
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or
3. More than 12 feet (3658 mm) above the finished ground level at any point.

For existing buildings, the applicant's engineer shall make the required field surveys for the actual measurement of the pertinent floor and plumbing elevations.

In order to ascertain specific information regarding the existing plumbing conditions of an existing building, including, but not limited to, the location of the septic system, where the existing plumbing leaves the building, as well as comments from the owner as to desired location for a proposed sewer connection, the applicant's engineer shall transmit to each existing property owner along the sewer alignment, a "Plot Plan for Proposed Sewer Connection" which shall depict typically the building location, property lines, and road right-of-way or sewer easement lines. This information shall be included with the applicant's engineer's Report.

The intent of this section is to require that sanitary sewer service be provided, at a minimum, to the first floor (story above grade) of a building wherever practical and cost

effective. Any exceptions to this requirement shall be supported by a detailed demonstration by the applicant's engineer with topographical and cost comparisons of the proposed sewer line alternatives.

All sewer lines and appurtenances shall be placed at least more than one foot from other utility lines and appurtenances. Profiles shall include a notation that all properties proposed to be sewerred pursuant to the plans can be sewerred by gravity.

i. Specifications. Complete specifications for the construction of the proposed sewerage system and appurtenances, including sewerage pumping stations and treatment plants, shall accompany the plans.

ii. Details. Details of manholes, siphons, etc., shall accompany the plans. Details shall be drawn to standard scales to show clearly the nature of the design. All design detail shall conform to specifications of the Authority. A standard detail sheet, which may be obtained at the Township engineering department, shall be attached to the profile.

e. Detailed Plans For Sewage Pumping Stations And Treatment Plants. As set forth in Section 8.4 of these Rules and Regulations, it is the Authority's policy not to permit pumping stations except in very limited circumstances. If the applicant considers a pumping station to be necessary and believes those circumstances apply, the applicant shall develop an alternate plan to demonstrate how the property can be sewerred by gravity and a cost estimate of doing so. An applicant should request an informal concept plan review prior to submitting development plans which include a pumping station. The plans for the pumping stations and treatment plants shall include a general site plan showing boundaries, contours, proposed pumping stations, underground

pipng and underground or overhead wires. The plans shall show the general arrangement of mechanical and electrical equipment, piping, valves, fittings, etc., within the various structures. A flow diagram shall be included for treatment plants. Pumping station designs shall be in accordance with DEP rules and regulations and with Section 8.2 of the Authority's rules and regulations.

f. Detailed Plans For Dry Line Construction. In the event an applicant seeks to construct individual subsurface sewerage disposal systems or other small domestic treatment works, including, but not limited to, septic systems, the plan shall include all necessary sewer lines and stubs which shall be capped (either at the street, or in the house, as the Authority may direct) and remain dry until sewer service becomes available and the Authority approves their use. The plans for the dry lines shall conform to all appropriate requirements of these Rules and Regulations.

g. Watertight Manhole Inserts. Where required to prevent inflow through manhole covers which may be located, due to certain conditions, in area roadways which are subject to stormwater flow, polyethylene "disk-type" manhole inserts shall be installed in the frame casting. Such inserts shall be Sewer Guard-Model MEC-4, or approved equal, and installed where directed by the Authority's Engineer.

h. Estimate Of Costs. A detailed estimate of the entire cost of construction of the proposed sewer systems shall be furnished. Construction costs shall include, at a minimum, the following items: pipe, manholes, house connections, cleanouts, pumping stations, force mains, treatment plants and appurtenances and as-built drawings.

i. Maps And Description Of All Easements. The location of all easements shall be shown, and a description of the easement or proposed easement shall be provided. Unrestricted easements to the Authority and/or the Township shall be a minimum of twenty feet wide.

j. No Cleanouts Lower Than Six Inches Above Basement Floor. In order to eliminate one of the prohibited sources of extraneous flow into the Authority's sewer system, any cleanout located within a "basement" or "cellar" (as such terms are defined in N.J.A.C. 5:10-2.2) shall be located at least six (6) inches above the basement or cellar floor.

k. Environmentally Sensitive Areas Program Waiver. For any new sewer construction or connection within the Authority's Middlebrook Sewer Service Area, the applicant shall obtain a waiver approval from the United States Environmental Protection Agency (EPA) under that agency's Environmentally Sensitive Areas (ESA) program if there are any environmentally sensitive areas on the subject property. While the actual waiver approval request must be submitted to the EPA by the Authority, the applicant shall be responsible for obtaining and preparing all documents required for that submission. This shall include, but not be limited to, submitting to the Authority all items identified in the Waiver Request Checklist, a copy of which can be obtained at the office of the Authority. If a property is located in the Middlebrook sewer service area, but does not contain any environmentally sensitive areas, the applicant shall stipulate on the submitted plans that there are no environmentally sensitive areas on the subject parcel.

3.4. PRELIMINARY APPROVAL AND AUTHORIZATION FOR CONSTRUCTION.

3.4.1. ISSUANCE OF PERMIT TO CONSTRUCT. No sanitary sewers, interceptors, trunk sewers, pump stations, sewage treatment facilities, or laterals shall be constructed, by other than the Authority, within the Township until such time as a Permit to Construct has been issued by the Authority Secretary. For a single residential connection, the connection permit shall also serve as the permit to construct.

3.4.2. CONDITIONS TO ISSUANCE OF PERMIT TO CONSTRUCT. The Authority Secretary will not issue a Permit to Construct until such time as:

- a.** The Authority has granted Preliminary Approval;
- b.** All required local and State agencies, including SRVSA, where required, have granted approval;
- c.** The applicant has deposited with the Authority all required fees and escrow deposits;
- d.** If required by the applicable approval, the applicant enters into an agreement with the Authority wherein the applicant agrees to indemnify and hold harmless the Authority for all damages, costs and expenses, including attorney's fees and costs, in connection with or arising out of any construction undertaken by the applicant prior to the Authority's final acceptance of such construction;
- e.** The applicant has provided proof to the Authority that the applicant has notified the "One-Call Damage Prevention System" pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73, *et seq.*, which proof shall be

provided by supplying the Authority with written proof of the confirmation number assigned to the notice of intent pursuant to said Act; and

f. All other required conditions of the Authority in granting approval are fulfilled.

3.4.3. NOTIFICATION PRIOR TO COMMENCEMENT OF CONSTRUCTION. Before construction is started, the Authority shall be notified in writing as to the name and address of the contractor and all sub-contractors as well as the superintendent who shall be in charge and have full responsibility for supervision of construction. In addition, before construction begins, the applicant and/or applicant's contractor must coordinate with the Authority Administrator to arrange for a pre-construction meeting between the applicant's contractor and the appropriate Authority and Township officials.

3.4.4. ASSIGNMENT OF INSPECTOR. Prior to the start of construction, the Authority, through its Engineer, will assign an inspector or a resident engineer, and no work shall be started until such an inspector is assigned to the job. A minimum of forty-eight hours notice must be provided by the contractor and/or applicant before starting construction. Inspection shall include, but not be limited to, checking of line and grade of the sewer, checking of materials, checking of joints, inspection of backfilling methods, inspection of pavement replacement, and inspection of pressure leakage tests and sewer television inspection. Despite the presence of an inspector during the construction period, the applicant shall be responsible for meeting all requirements of these Rules and Regulations and for constructing the sewer in conformance with the plans and

specifications approved by the Authority. Approval by the inspector during construction does not imply that the work shall not require further inspection.

In the event a sewer stub or saddle tap is to be installed on an existing sewer line, the Authority's engineer, or his qualified designee, shall inspect all work within the road right of way and within designated sewer easements, including the saddle tap. The Township construction official or plumbing subcode official shall remain responsible for inspecting all work within the private property limits. In the absence of the Authority's engineer or his designee, the construction official or plumbing subcode official may conduct the inspection that would otherwise be conducted by the Authority's engineer.

Jurisdiction over the review and inspection of construction as between the Authority's engineer and the Township construction official or plumbing subcode official shall be as follows for the indicated categories of construction:

- Private lateral in private easement –
 - Specs of materials - Authority Engineer to review
 - Inspection of Construction - Township Construction Official
- Private lateral in public easement
 - Specs of materials - Authority Engineer to review
 - Inspection of Construction - Authority Engineer
- Public Sewer Extension (by Private Application, but eventual Authority dedication)
 - Approvals/Shop Drawings - Authority Engineer to sign off
 - Field Design Conflicts - Authority Engineer to resolve
 - Inspection of Construction - Authority Engineer
 - Pressure testing - Authority Engineer to witness
 - WQM-005 Certification - Authority Engineer is Certifying Engineer
- Private Sewer Extension
 - Inspection of Construction - Authority Engineer

The applicant shall pay for the cost of such inspection services and testing incident to the construction and, prior to the start of construction, shall deposit escrow funds with the Authority in an amount to be determined by the Authority to cover the cost

of such inspections and testing. Such escrow funds shall be determined and deposited in accordance with Sections 3.13 to 3.15.

3.4.5. NO BACKFILL PRIOR TO INSPECTION AND PLUGGING OF SEWER LINE DURING CONSTRUCTION.

a. No trench shall be backfilled until such time as the Inspector has checked each joint of the pipe and has authorized backfilling to proceed.

b. Sewer connections/extensions shall be plugged or rendered inactive during construction to prevent the entrance of material to the Authority's sewer system. Plugs shall be installed as follows:

i. Connection to an existing manhole: A plug shall be installed in the new line where it enters the existing manhole. In addition, a plug shall be installed in the downstream side of the first manhole in the new sewer line upstream of the connection to the Authority's sewer system.

ii. Connection to a new manhole ("doghouse") constructed over an existing sewer line: The existing sewer line shall remain intact until permission to connect is granted, which is generally Final Approval by the Authority. The new line entering the manhole and the new line upstream of the manhole shall be plugged as described under subsection (i) above.

iii. Where the previously described methods are inapplicable, water service to the facilities connected to the Authority's sewer system shall be deactivated or each individual connection shall be plugged in a manner directed by the Inspector.

c. In the event that a plug becomes dislodged during construction and the Authority or its agents incur costs as a result of such occurrence, the applicant and/or its agents shall be responsible for reimbursing the Authority for such costs and the Authority may impose a use fee associated with the quantity of any water that it determines may have entered the sewer system for such source.

3.4.6. CERTIFICATION OF COMPLETION OF CONSTRUCTION. The Authority's consulting sanitary engineer or duly authorized engineering representative shall certify first to the Authority and, after Authority approval, to the DEP, that the construction has been satisfactorily completed and is in accordance with the plans and specifications.

In order to prepare this certification, the applicant must satisfactorily complete the following:

- a. air test and other specified testing for leakage;
- b. mandrel testing for pipe deflection of polyvinyl chloride (PVC) gravity sewers;
- c. television inspection;
- d. submittal of television inspection video recordings in an acceptable format and storage media to the Authority;
- e. submittal of televising company's written inspection log and report to the Authority;
- f. submittal of signed and sealed as-built plans consisting of high resolution electronic PDF scan files on digital video disk and hard copy of as-builts;
- g. satisfactory final inspection; and

h. for pumping stations and treatment plants, full mechanical, duty and performance tests must be conducted on all equipment, and all operational and maintenance manuals and warranties must be submitted to the Authority in triplicate.

i. submittal of evidence that any property owners whose property is being provided with a stub has been consulted and agrees to the location of that stub.

j. if construction has occurred within an easement, the property subject to the easement has been restored in a manner required by such easement agreement and satisfactory to the property owner of such property, and that all other conditions of the easement have been complied with.

Items a, b, c, g and h must be performed in the presence of the Authority's consulting sanitary engineer or duly authorized engineering representative.

3.4.7. RESTORATION OF PROPERTY. The applicant shall be responsible for the prompt restoration of all property wherein any digging, work or installation is done and, wherever the same is performed within the right of way lines of a public street or other public place, the same shall be restored and maintained and any pavement or other improvement thereof or therein shall be restored and maintained in accordance with the specifications applicable thereto as adopted by the Township Committee. All construction within any County right of way or public road shall be in conformity with all requirements of the County.

3.4.8. STOP ORDER OF ENGINEER. In the event the applicant fails to perform construction work in a competent manner, or if faulty materials or methods of construction are employed, or if the Contractor fails to employ reasonable work methods outlined by the Inspector, or if the applicant or the Contractor or their agents cause

damage to any portion of the Authority's sanitary sewer system, the Inspector shall inform the Authority Engineer or Consulting Engineer who, acting on behalf of the Authority, has the right to stop construction until faulty materials or methods of construction have been removed or corrected, and proper materials or methods of construction are employed, and in the case of damage to the Authority's sanitary sewer system, that the damage is repaired and the Authority and/or its agents are reimbursed for the costs incurred in connection therein. In the event a dispute between the applicant or the Contractor and the Engineer arises, the matter shall be submitted in writing to the Authority for resolution as may be required. All construction work shall cease during such disputes until a satisfactory agreement is reached by all parties concerned.

Any approvals granted by the Authority shall be considered withdrawn until the Authority has determined that the damage to the system has been repaired, to the satisfaction of the Authority and its Engineer, and the applicant and/or contractor has paid any and all costs incurred by the Authority or its agents in connection with such damage and any fees imposed under Section 3.4.5 of these Rules and Regulations.

3.5. APPLICATION FOR FINAL APPROVAL OF CONSTRUCTION.

3.5.1. REQUIRED DOCUMENTATION. After completion of all construction as specified in the plans, terms and conditions for which Preliminary Approval was granted and certification from the Authority Inspector that the construction has been approved by the Engineer or Consulting Engineer and meets the Authority requirements in all respects, the applicant shall file an original and copy of an application for Final Approval. The application shall be accompanied by the following:

- a.** Additional deposit into its escrow account, if required, to cover expenses associated with review;
- b.** Signed and sealed as-built plans (two copies) including:

 - i.** Details of construction of manholes, siphons, connections and other sewer appurtenances (two copies);
 - ii.** Detailed plans of sewage pumping stations and treatment plants (two copies);
 - iii.** Specifications of the sewerage system and appurtenances including sewage pumping stations and treatment plants (two copies);
- c.** Written certification that no liens or claims exist against the construction (two copies);
- d.** Maps and descriptions of all lands and easements to be conveyed to the Authority and/or Township. Give title to all lands, easements, sewer structures and appurtenances by deed or appropriate dedication (two copies);
- e.** Additional copies of any data furnished with the application for preliminary approval, if requested by the Authority;
- f.** Two copies of operating instructions and parts list for any pumping station or treatment plant and two replacement motors, or spare pump, for any pumping station; and
- g.** Certification of completion of construction required by Section 3.4.6 of these regulations (two copies). After approval, one complete set of plans and specifications will be so stamped and returned to the applicant if the applicant so requests.

h. Certification of Removal of Pressure Plug, in a form as provided by the Authority, certifying that the pressure plug was removed from the sewer line after the air test. If the Certification of Removal presented by the applicant proves to be inaccurate that it shall: (1) constitute a violation of these Rules and Regulations; (ii) shall subject applicant to the penalty provisions of these Rules and Regulations; and (iii) that the applicant shall be liable for all costs and expenses incurred in remediating all damages directly or indirectly related to applicant's failure to remove the pressure plug.

3.6. FINAL APPROVAL.

3.6.1. FINAL APPROVAL BEFORE ANY CONNECTIONS. Unless otherwise provided, Final Approval shall constitute formal acceptance of any sanitary sewer line extension by the Authority. No connections shall be permitted to any sewer line extension for which Final Approval is required until such approval has been granted and the Authority's Engineer has certified to completeness to the DEP and submitted form WQM 005, or the form(s) then required, to the DEP.

3.7. UNAUTHORIZED ACTIVATION OF A CONNECTION. Removal of plugs or any other action or inaction which could allow the entrance of material into the sewer system shall be considered unauthorized activation of the connection.

A penalty for unauthorized activation of a connection shall be assessed against the property owner, developer, contractor and/or other responsible party. The assessed amount shall be equal to the sum of the following:

a. Any and all direct costs incurred by the Authority in connection with the unauthorized activation; plus

b. Any and all indirect costs incurred by the Authority in connection with the unauthorized activation; plus

c. Penalty amount, up to the maximum indicated:

i. 1st offense: \$1,000.

ii. Each subsequent offense within one year of first offense: \$2,000.

Assessment of the above penalties shall not preclude the Authority from pursuing further legal remedies against the property owner, developer, contractor and/or any other person involved. Upon issuance of a notice of assessment of a penalty, all sanitary work shall cease until such time as the penalty is paid.

3.8. WAIVER OF AUTHORITY REVIEW. Under appropriate circumstances the Authority may grant a waiver of review of an application. A waiver may be issued when the proposed use of the building does not impact the characteristics or amount of sewage discharged or does not alter an existing connection. A waiver also may be issued after preliminary or final approval in the event that an applicant must modify his construction plans and such modification does not impact the characteristics or amount of sewage discharged or does not alter an existing connection. The Secretary, or other person authorized by the Authority for such purpose, is empowered to provide a letter to an applicant waiving such review, upon direction of the Authority. A formal resolution of the Authority will not be necessary for such a waiver.

The Authority's Engineer is authorized to approve applications for waivers of Authority approval for developments which require land use approval, but which do not impact on the sanitary sewer system, including, but not limited to, applications for lot line changes. If the Authority's Engineer approves such an application, then he or she shall

notify the Authority's secretary as soon as practicable after such approval, and the Authority's secretary shall notify the applicant by issuing a waiver letter. The Authority's Engineer shall also notify the Authority that such application has been approved, at the Authority's meeting immediately following the approval of such an application. Notwithstanding the authorization granted to the Authority's Engineer herein, the Authority's Engineer is not authorized to approve applications for waivers of Authority approval for developments which propose to be serviced by septic systems.

In the event the Authority's Engineer is unable to determine whether an application for waiver of Authority approval for a development which requires land use approval, but which does not impact on the sanitary sewer system, should be approved, or whether such development will impact on the sanitary sewer system, then the Authority's Engineer shall, promptly following such determination, notify the Authority in writing that he or she is unable to determine whether the application should be approved, or whether such development will impact on the sanitary sewer system, and the reasons therefor. In such event the application shall be heard and determined by the Authority.

3.9. APPLICATION DEEMED WITHDRAWN AFTER ONE YEAR. If an applicant has not presented plans satisfactory to the Authority within one year of the date of the initial application, the application will be deemed to be withdrawn, and the Authority shall so notify the applicant in writing.

3.10. TERMINATION OF APPROVAL. Preliminary Approval from the Authority for construction of a sewer extension for a project that does not require subdivision or site plan approval shall be valid for a period of two years and six months from the date of approval. Preliminary approval for a sewer extension for a project that

requires subdivision or site plan approval shall terminate if the applicant has not received such subdivision or site plan approval within one year from the date of the Authority's approval, and, if such subdivision or site plan approval has been obtained, the Authority's approval will be valid for the same period of time as the applicant's subdivision or site plan approval. Final approval to connect an existing building for which no sewer extension is required shall be valid for a period of one year from the date of approval, unless otherwise provided in these Rules and Regulations, or in the resolution granting such approval. Any other final approvals shall be valid for two years from the date of the resolution granting such approval, unless otherwise provided in these Rules and Regulations. Notwithstanding the above, the Authority may extend the period of validity of any approval upon application by the applicant if the Authority is satisfied that good cause exists for such extension.

3.11. CONDITIONS OF APPROVAL. The Authority may impose reasonable conditions on any approval which it grants where, in the determination of the Authority, such conditions are necessary to ensure the construction and operation of the sewer system in a manner consistent with the public health, safety and welfare and the statutory mandate of the Authority. In addition, the Authority shall condition any Preliminary Approval which involves construction requiring engineering inspection on the deposit of the appropriate escrow prior to commencement of any construction, as provided for in Sections 3.13 to 3.15.

3.12. PAYMENT OF APPLICATION FEES. An application fee schedule will be approved and revised on a periodic basis. All applicable fees shall be paid at the time of application and in accordance with the Authority's current fee schedule attached hereto

as Schedule A. In addition to the non-refundable application fee, costs incurred by the Authority, such as legal and engineering services, are the responsibility of the applicant and an escrow deposit will be required to cover such expenses as set forth in Sections 3.13 to 3.15.

3.13. REQUIREMENTS FOR ESCROW DEPOSIT FOR ALL

APPLICATIONS. In addition to the submission of application filing fees, applicants are required to submit a deposit or deposits of escrow funds and to maintain such escrow as provided for in this Section and Sections 3.14 and 3.15. All escrow fund deposits shall be made payable to the Authority and submitted to the Authority staff. Such escrow funds shall be utilized for the costs of professional services incurred in connection with the application, including, but not limited to the review of plans, consultations, site and construction inspections, written reports and resolution preparation, meeting attendance, general preparation, research, and other work performed by the Authority's Consulting Engineer, Township Engineer, attorney and other professional consultative services which may be required, as well as such professionals' out of pocket expenses incurred in connection therewith. The requirements regarding escrow deposits shall apply to all applications made to the Authority, including for waiver, conceptual review, preliminary approval and final approval.

3.13.1. DEPOSIT PREREQUISITE TO REVIEW. An applicant is to deposit escrow funds with the Authority prior to the commencement of any work required by an application unless prepayment of such fees is waived by the Authority. The Authority has the right to waive the posting of escrow funds by an applicant prior to his first appearance before the Authority, provided good cause exists and no professional work is

required relative to that appearance. The Authority will not hold a meeting for the purpose of discussing or reviewing an application until all escrow funds and required fees have been deposited. For escrow fund deposits of less than \$10,000, applicants may, at their option, pay such amount in two installments, the first of which shall be at least 50% of the required amount, and the second of which shall be the remaining portion thereof payable upon depletion of the account to 15% of the total escrow fund amount. For escrow fund deposits of \$10,000 or more, applicants may, at their option, pay such amount in four installments, the first of which shall be at least 25% of the required amount, the second of which shall be at least 25% of the required amount payable upon depletion of the account to 15% of the total escrow fund amount, the third of which shall be at least 25% of the required amount payable upon depletion of the account to 15% of the total escrow fund amount, and the fourth of which shall be the remaining portion thereof payable upon depletion of the account to 15% of the total escrow fund amount.

3.13.2. UTILIZATION OF ESCROW FUNDS. Escrow deposits shall be placed in an interest bearing account by the Authority staff and shall be administered in accordance with the requirements of N.J.S.A. 40:14A-7.3. All disbursements to consulting professionals and applicable charges from the Authority or Township professional employees for services involved in processing the application which require the deposit of escrow funds shall be charged against the escrow account. All bills submitted by consulting professionals relative to an application shall specify the services performed for individual applications and the time expended relative thereto. The bill shall also set forth the hourly billing amount which will be the amount charged to the Authority, pursuant to the consultant's contract. All charges by the Authority and

Township professional employees described above will specify the services performed for individual applications and time expended. The Authority shall provide a summary of such charges to applicants on a quarterly basis if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000. The hourly billing rate for Authority and Township professional employees shall be 1/35 of their weekly compensation, plus 60% of such amount as reimbursement for benefits which the Authority has given to the employee; provided, however, that such amount shall not exceed 200% of the sum of the product resulting from multiplying (i) the respective employee's hourly base salary by (ii) the number of hours spent by such employee working on the applicable application. The close-out of an escrow account shall commence only after the Authority has taken final action on the applicable application and has determined that the processing of the application will not require the expenditure of any additional escrow funds, and the Certification required by Section 3.7.2 has been issued, where applicable. The close-out process is initiated by an applicant sending written notice via certified mail to the Authority and the relevant professionals indicating that the application and improvements, as the case may be, are completed. Within thirty days after receipt of such notice, the professionals shall render a final bill to the Authority and shall simultaneously provide a copy to the applicant. Within forty-five days of receipt of the final bills, the Authority shall render a written final accounting to the applicant on the uses to which the escrow deposit was put. Any balances remaining in the escrow account, including interest thereon, shall be refunded to the applicant along with the final accounting.

3.14. ESCROW FUND SCHEDULE FOR APPLICATIONS. The amount of the escrow fund to be deposited at the time of any application shall be as provided in Schedule B attached hereto. Additional escrow funds may be required when an applicant's escrow fund has been depleted to 15% of the total escrow fund amount. The Secretary shall notify the Authority when escrow funds have been depleted to that level. Professionals being paid from the escrow funds shall notify the Secretary as to additional costs anticipated to be incurred. The Secretary shall in turn notify the applicant as to additional escrow funds which must be deposited. The Authority shall not take any further action on an application until the applicant has deposited adequate funds in his escrow account.

3.15. ESCROW FUND DEPOSIT FOR CONSTRUCTION INSPECTION AS CONDITION OF PRELIMINARY APPROVAL. In addition to the escrow deposits required in connection with applications, the Authority shall condition any Preliminary Approval which involves construction requiring engineering inspection on the deposit of an additional amount into the applicant's escrow account to cover the anticipated costs of such inspections and associated work required prior to the application for Final Approval being filed. The satisfaction of this condition by the deposit of the specified escrow amount shall be a prerequisite to the Authority's issuance of a permit to commence construction. Additional escrow funds for such inspection may be required in the same manner as provided for in Sections 3.13 to 3.15.

3.16. ALL SEWER CHARGES MUST BE CURRENT. Any applicant for a sewer connection or for any approval from the Authority must be current with regard to any charges and escrow deposits due the Authority for any property he or she may own.

Applications will not be processed and approvals will not be granted until an applicant is current in all of his accounts with the Authority.

3.16.1. APPLICATION FOR SEWER CONNECTION. An original and copy of each application shall be submitted. Applicant owners of property desirous of making connection to existing sewers for which an approval is not required pursuant to Section 3.1.2 shall file an application for sewer connection with the Secretary on a form furnished by the Secretary. This application shall be accompanied by the appropriate connection fee. In the event such connection is subject to the payment of fees to SRVSA or Berkeley Heights, no connection shall be permitted until evidence of payment of all such fees has been provided to the Authority.

3.17. METHOD OF CONNECTION. Sewer connection shall be made to a street or other public main under the supervision and inspection of the Authority. Unless otherwise approved by formal resolution by the Authority, any connections to the sewer system shall be by connection to an existing stub located on private property.

3.18. NO CONSTRUCTION OF BUILDINGS UNTIL FINAL SEWER APPROVAL; MODEL HOME EXCEPTION. The policy of the Authority is that no construction of residential or commercial buildings shall commence until the applicant has received Final Approval of the sewer improvements associated with that building. An exception to this policy shall be made for a single residential model home in a subdivision to be constructed on any tract of land which is actively being subdivided as a major subdivision prior to Final Approval by the Authority subject to the following standards and conditions:

a. There exists an operating sanitary sewer line within 200 feet of the proposed subdivided lot on which the model home will be constructed;

b. There exists the means of providing connection to the existing public sewer line other than by use of the sewer extension being constructed as part of the subdivision, which means shall not require the obtaining of any easements from other property owners;

c. The entire subdivision has received Preliminary Approval by the Authority and the Warren Township Planning Board and is actively being developed;

d. There exists a means of connecting the proposed model to an operating sanitary sewer line by a temporary means which shall receive Authority approval;

e. Only one model per any subdivision being developed by a single developer or under single ownership shall be permitted;

f. As a condition of Final Approval of the sewer improvements the model shall be connected to the municipal sanitary sewer system;

g. The applicant must submit for review and approval by the Authority a recordable document declaring that the model home is to be used for sales promotion and is not currently authorized for approval or connection to the Warren Township Sanitary Sewer System. Such document shall be recorded by the applicant prior to the issuance of a building permit; and

h. No contract of sale shall be entered into by the owner or developer for the use of the home for residential purposes until Final Approval is granted by the Authority certifying that the home has adequate sewage disposal facilities.

3.19. PLANNING BOARD'S COMPLETENESS COMPLIANCE REVIEW CHECKLIST WITH RESPECT TO PRELIMINARY AND/OR FINAL

SUBDIVISION APPROVAL. The Authority's Secretary is authorized to utilize the following procedures when requested to sign-off on the Planning Board's completeness compliance review checklist with respect to preliminary and/or final subdivision approval:

a. If requested to sign-off on Planning Board preliminary subdivision approval only, the Secretary shall confirm that preliminary sewer approval has been obtained and all conditions of such approval have been satisfied, before signing off.

b. If requested to sign-off on Planning Board final subdivision approval where the improvements have been constructed, rather than bonded for, the Secretary shall confirm that both preliminary and final sewer approvals have been obtained and all conditions of such approvals have been satisfied, before signing off.

c. If requested to sign-off on Planning Board final subdivision approval where the improvements have not been constructed, but rather have been bonded for, the Secretary shall confirm that preliminary sewer approval has been obtained and all conditions of such approval have been satisfied, before signing off.

When signing off under these circumstances, the Secretary shall provide an express written notation that final Sewerage Authority approval has not been obtained. The Secretary shall also provide notice in writing to the Construction Department, the Engineering Department, and the Property Owner or applicant of record, that final Sewerage Authority approval is still outstanding, and that no building permits shall be

approved for any lots in the subdivision until such final Sewerage Authority approval has been obtained.

4. PRE-CONDITIONS TO APPROVAL OF APPLICATIONS.

4.1. EXISTING LINES AND NECESSARY EASEMENTS. Approvals of sewer applications will not be granted unless there are existing sewer lines in the streets or rights of way abutting the premises to be served, or unless the application includes construction of all sewer lines necessary to connect the proposed development to the appropriate treatment facility and demonstrates to the satisfaction of the Authority that the applicant has obtained or has the legal right to obtain all necessary easements over property not owned by the applicant. Any easements which will be dedicated to the Authority and/or the Township shall be in a form approved by the affected entity(ies). Any construction within public easements, including but not limited to installation of sewer lines and laterals, is under the jurisdiction of the Authority and must be inspected by the Authority's Engineer. Construction of any sewer line that will become part of the Authority's collection system within private easements is also under the jurisdiction of the Authority and must be inspected by the Authority's Engineer. Construction of private laterals within private easements are under the jurisdiction of the Township Construction Official.

4.2.

AVAILABLE CAPACITY BY FACILITY. In addition, except as otherwise provided for in the Authority's Rules and Regulations, no approval shall be given unless the Authority is satisfied, based on the criteria set forth in this Section, that sufficient capacity exists in the appropriate treatment facility to accommodate the proposed

connection, with due regard being given to property owners who have reserved capacity by contract with the Authority. For the Stage I and II plant, the Stage IV plant, and the Stage V plant, the NJPDES permits issued by the DEP provide for a maximum flow for each thirty-day period. For certain of the facilities, there exist reserve capacity agreements under which the Authority is obligated to provide capacity to property owners who participated in the financing of the construction or expansion of the facility or in the performance of inflow and infiltration remediation work to the system. The Authority recognizes that the holders of reserve capacity agreements are entitled to preference over property owners who do not have such agreements.

The DEP regulations permit, but do not require, the Authority to endorse an application for connection if permitted flow for the particular treatment facility will not be exceeded by the sum of the capacity for the proposed project, plus the capacity for all projects previously approved but not yet constructed, plus the “actual flow” in the particular treatment facility. The sum of the “actual flow” that a plant receives, and the flow expected from current DEP approved projects is referred to as the “committed flow.” The Authority is permitted, but not required, to endorse an application for connection where the “committed flow” plus the flow anticipated from the particular project does not exceed the permitted flow. Rather, the Authority employs the capacity calculation set forth in Rule 4.3.

4.3. CALCULATING AVAILABLE CAPACITY.

In determining whether capacity is available for new sewer connections, the Authority has concluded that it is prudent to allow a sufficient margin of safety given that, among other things, the sewerage flow in the system and to the treatment plants may be subject

to potentially wide fluctuations depending upon weather conditions and the level of inflow and infiltration experienced. Recognizing the ongoing efforts to improve the overall health of the Authority's sanitary sewer system, including infiltration and inflow reduction efforts, while maintaining a sufficient margin of safety to avoid exceeding the permitted flow and hydraulic capacity and to allow for proper sewerage treatment in conformance with all permitting and other requirements, the Authority and its Engineers shall calculate the current flow received by a treatment plant for purposes of determining if capacity is available at that plant for additional sewer connections by utilizing the third highest six month average since 2004 for the Stage V sewer service area and since July 2020 for the Stage IV sewer service area, and a twelve month rolling average since June 2019 for the Stage I/II sewer service area. In the event of a future expansion or undertaking that will increase capacity and/or decrease flow, the Authority shall adjust this third highest six month average flow or twelve month rolling average, as appropriate, and/or applicable lookback period, giving due consideration to the recommendation of its Engineer. The Authority shall not consider sufficient capacity to exist for an application unless the sum of the flow projected for that application, plus the third highest six month average flow or twelve month rolling average, as appropriate, during the relevant lookback period, plus the projected flow for all projects which have previously received Authority and/or DEP approval but which have not been connected, plus the unused capacity that has been reserved under reserve capacity agreements and not yet connected, is less than 95% of the permitted flow for the facility into which the project will flow in that sewer service area.

Nothing contained in this Section shall preclude the Authority from permitting connections to be made to the system when an emergency exists, there is a compelling public need, or the Authority determines such connection to be in the public interest.

In addition to the foregoing, the Authority reserves the right to reject any application if such a connection would interfere in any way with proper operation of the sewer system and treatment facilities.

4.4. EMERGENCY CONNECTION IN SEWER SERVICE AREA WHERE CAPACITY IS NOT AVAILABLE. In any sewer service area in which capacity for additional connections does not exist, or is only available for properties having reserved capacity, the Authority may nevertheless permit connection in the event of a health emergency. An applicant for an emergency connection shall submit a completed application form, which shall be supplied by the Authority, and shall submit with the form an engineering report setting forth the conditions relevant to the existing subsurface sewerage disposal system (septic system).

4.4.1. DETAILS OF DOCUMENTATION REQUIRED. The application and reports shall specifically address each of the following items:

a. A description of the manner in which the septic system failure is manifesting itself. If sewage is backing up within the building, then the application shall indicate whether a plumbing inspection has been made and, if so, what findings were made. If sewage is surfacing, then the application shall indicate at which areas of the property.

b. An indication of the last time the septic system was pumped and the frequency at which it has been pumped over the last three years.

c. An indication as to whether the septic system operates properly for a short time, a long time or not at all after pumping.

d. An evaluation of soil conditions elsewhere on the property including soil logs, ground water levels and percolation tests.

e. An evaluation of alternatives for rehabilitating the system, with cost estimates associated with each alternative.

f. If the soils are satisfactory, an indication of whether there is sufficient physical area to rehabilitate the system. If not, then the application shall indicate what efforts the applicant has made to purchase adjacent lands in which to locate a system.

g. A tabulation of which information has been evaluated to determine whether the system failure is the result of a mechanical failure, such as collapsed pipes in the leaching field, distribution box, septic tanks and the like.

h. An indication of the estimated cost of connecting to the sewer system if such a connection were permitted and any easements which may be required for such a connection. Each item of information shall clearly indicate whether it is being provided by the Engineer or the applicant. The Engineer or the applicant shall certify as to the truthfulness of all information contained in the application and reports.

4.4.2. BOARD OF HEALTH ENDORSEMENT REQUIRED. No emergency connection will be considered by the Authority until the applicant has obtained a written endorsement from the Township Board of Health that a health hazard exists and that the applicant has satisfactorily demonstrated that the septic system cannot be rehabilitated by alteration or repair. The terms "alteration" and "repair" shall have the meanings given to

them in N.J.A.C. 7:9A-2.1 (or its replacement). In those circumstances in which it appears that the septic system can be rehabilitated but only by means of alteration and not repair, and by reason of the proximity of the property to an existing sewer line, the Board of Health cannot, pursuant to N.J.A.C. 7:9A-1.6(e) (or its replacement), approve such rehabilitation, the Authority shall require that the applicant first seek approval from the DEP for rehabilitation of the septic system before the Authority will consider an application for emergency connection.

4.4.3. DETERMINATION OF EMERGENCY. The Authority shall evaluate the information submitted by the applicant and his engineer and shall consider the Authority Engineer's evaluation of that information. In determining whether to grant an emergency connection, the Authority shall consider the extent of any actual or threatened health hazard, whether alternatives to connecting to the system exist, the relative costs of such alternatives, the relative cost of connecting to the system, the likelihood that additional capacity will become available in the particular treatment plant in the near future, and any other factors or circumstances that it deems appropriate. The Authority shall not permit any emergency connection unless it is satisfied, from the information provided by its Engineer, that permitting such a connection will neither violate any condition of the Authority's New Jersey Pollutant Discharge Elimination System ("NJPDES") permit for the affected treatment plant nor result in any violation of other applicable regulations. Any property approved for an emergency connection shall connect to the system within thirty days of adoption of a resolution approving such connection (or thirty days after DEP approval, if required), unless otherwise provided in

the resolution. Failure to connect within this time period will result in the approval becoming null and void.

4.4.4. UTILIZATION OF PREVIOUSLY RESERVED CAPACITY. If the applicant for an emergency connection has previously reserved capacity for the subject property in a sewer service area where capacity is not available, the approval for and connection to the Authority's sanitary sewer system pursuant to Section 4.4 of the Rules and Regulations shall utilize the capacity previously reserved for that property. If the capacity reserved for the property exceeds the number of equivalent dwelling units ("EDUs") connected pursuant to this emergency connection provision, the remaining balance of the EDUs of capacity associated with the subject property shall continue to be reserved, subject to the terms and conditions of the previous agreement with the Authority. If the applicant submitted a deposit with the Authority in connection with its prior agreement and such agreement provides that the deposit will be credited toward the connection fee, then, at the time of connection under this subsection 4.4, the applicant shall receive a credit in such amount against the then applicable connection fee.

5. CONNECTION AND SERVICE FEES.

5.1. CONNECTION FEE. For every direct or indirect connection to the sewerage system or any part thereof, the applicant shall pay a Capacity Rate Charge or Connection Fee as established pursuant to N.J.S.A. 40:14A-8. Except as provided elsewhere in these Rules and Regulations, or by specific resolution of the Authority, the entire connection fee shall be due and payable upon application for a sewer connection permit. The Authority shall establish a new connection fee charge at the end of each fiscal year, for an equivalent residential dwelling unit ("EDU"), which shall apply to any

single family dwelling. The connection charge is set by Authority resolution on an annual basis, and may be obtained from the Authority staff.

All non-residential applicants shall be charged the amount charged to a single residential dwelling for each EDU of discharge as determined by the Authority on the basis of the factors specified in N.J.S.A. 40:14A-8, the data and information available to the Authority, the results of Authority investigations and studies of meter readings. For the purpose of calculating the number of EDUs of flow for any non-residential use, the Authority will divide the estimated anticipated flow figures by 280 gallons per day ("gpd"), with the resultant quotient being rounded to the nearest whole integer. Generally, for non-residential uses, the Authority will estimate the anticipated average daily flow using the NJDEP's design flow criteria currently found at N.J.A.C. 7:14A-23.3. However, an applicant may submit additional information to be considered in determining the flow and associated EDUs, including but not limited to actual water usage data, which may be accepted at the Authority's discretion, with an appropriate safety factor.

For purposes of assessing the connection fee, a commercial condominium unit, because of its separate ownership, will be deemed to utilize a minimum of one connection unit regardless of its size and the fact that it is one of several such units in a single structure.

5.1.1. CREDIT AGAINST CONNECTION FEE. Every applicant for a connection shall be entitled to a credit in the principal amount of any special assessment levied by the Township upon the real property of the applicant for the benefit conferred by a sanitary sewerage improvement constructed by the Township as a local

improvement. The credit shall be limited to that assessment or any portion thereof attributable to the cost of a sewage treatment plant, trunk lines or pump station. The pendency of any such local improvement assessment shall not delay the imposition of payment of the connection fee herein established and users who shall thereafter be assessed for such local improvement may file with the Authority a voucher requesting the application of the connection fee so paid to the assessment levied as aforesaid.

Where the local improvement assessment shall be levied upon the applicant's property before the application for a connection, the applicant shall attach to the application a certified copy of the assessment indicating the amount attributable to the cost of the sewage treatment plant, trunk lines or pump station, and the basis for calculating the same. The connection fee shall be reduced by an amount equal to the principal amount of such assessment attributable to the cost of the sewage treatment plant, trunk lines or pump station as approved by the Authority. Nothing herein contained shall in any way whatsoever entitle an applicant to a refund of any money paid on account of a connection fee, nor shall any credit as provided herein exceed the total connection fee calculated as in these Rules and Regulations.

5.2. SRVSA AND BERKELEY HEIGHTS CONNECTION FEES. The Authority shall condition approvals and connection permits in the Middlebrook sewer service area upon confirmation from applicants that they have paid the then applicable Somerset Raritan Valley Sewerage Authority ("SRVSA") connection fee to SRVSA. The Authority shall condition approvals and connection permits in the Berkeley Heights sewer service area upon confirmation from applicants that they have paid the then applicable Berkeley Heights connection fee to Berkeley Heights. The current SRVSA

and Berkeley Heights connection fees as established on a periodic basis by SRVSA and Berkeley Heights, may be obtained from the Authority staff.

5.3. PAYMENT FOR ACTUAL COST OF CONNECTION. For every direct connection to a trunk line or collector sewer, a property owner shall pay an amount equal to the actual cost of the physical connection to the system, if made or paid for by the Authority. In the event the Authority reimburses an applicant for installing a lateral as an off-tract improvement pursuant to Section 7, such reimbursement shall be deemed to be a part of the actual cost of physical connection for purposes of this Section. If a property owner is not required by the Township Board of Health or other agency to connect the property within a specified time period following completion and final approval of the line, but requests that a stub be constructed as part of an applicant's off-tract improvement, the property owner shall execute a written agreement binding the property owner to make a non-refundable payment to the Authority in the amount that the Authority reimburses the applicant for installing a lateral as an off-tract improvement pursuant to Section 7, which payment will be made to the Authority within ninety days of notice from the Authority that the line has received final approval.

5.4. RESIDENTIAL SEWER USE CHARGES.

5.4.1. PROPERTY CLASSIFICATION. All residential properties shall be placed into one of two classes. The first class shall consist of those properties which utilize a public water supply or whose water consumption is otherwise measured by a meter ("Metered Class"). The second class shall consist of those properties which are serviced by private wells and whose water consumption is not measured by a meter ("Unmetered Class").

5.4.2. SEWER USE FEE. For those properties in the Metered Class who are serviced by New Jersey American Water or any other water utility, the Authority shall obtain water consumption records for a preceding six-month period. For all years beginning with 2019, the six-month time period shall be from January 1 through June 1 of the immediately preceding calendar year, or such other six-month time period that the Authority determines is appropriate, given the available water consumption information. For those properties in the Metered Class which are on wells, the Authority shall obtain meter readings and bill the property in the manner set forth in Section 5.4.3. below. All residential properties shall be charged a minimum annual service charge plus a variable service charge for each 1,000 gallons of water consumption for that property based on a 12-month annualized water consumption using the six-month water consumption records. Properties in the Unmetered Class shall be charged a variable service charge based upon an assumed water consumption equivalent to the water consumption for the average residence. The Authority shall adjust the minimum annual service charge, the variable service charge and, for the Unmetered Class, the assumed water consumption, on a periodic basis as it deems necessary, pursuant to N.J.S.A. 40:14A-8. The current minimum annual service charge, variable service charge, and assumed water consumption, as established by Authority resolution, may be obtained from the Authority staff.

The sewer use fee shall be billed annually and be payable in such periodic installments as necessary for the efficient administration and operation of the Authority, as established by Authority resolution.

5.4.3. INSTALLATION OF METERS ON PROPERTIES HAVING WELLS.

The owner of any property serviced by a well may, at the property owner's expense,

install a water meter to measure that property's water consumption. All such meters shall be installed pursuant to a duly issued plumbing permit and must be of a type approved by the Authority. The property owner shall be responsible for ensuring the proper installation, maintenance and operation of the meter and shall bear any costs associated therewith. Prior to or shortly after installation of the meter, the property owner shall execute a certification, to be supplied by the Authority, certifying to, among other things, the proper and lawful installation of the meter, the date of installation of the meter, and the meter reading. The property owner shall execute a similar certification, to be supplied by the Authority, on or about June 1 of each year. Once such a meter has been installed, then that meter shall be utilized to determine the property's sewer use fee, and the property may not revert back to the Unmetered Class. In the event that the meter is not maintained on a property which has installed a meter, the property shall be billed based on the water consumption from the last prior meter reading, or at the rate charged to the Unmetered Class, whichever is greater.

For any property upon which a meter is installed, the property shall remain in the Unmetered Class until the Authority obtains the meter readings for the first six-month period, which reading shall then be used for purposes of estimating the annual water usage. In the event that the results of the meter indicate that, during the time period in which the meter was installed and the initial meter readings taken, the property was charged a higher use fee than it would have been based on the meter, the property owner shall be entitled to a credit in the amount of the difference between the use fee paid and the use fee that would have been charged based on the meter readings. Once a reading

has been obtained for a six-month period from January 1 through June 1, then such readings shall be utilized in the same manner as all other properties in the Metered Class.

5.4.4. NEW CONNECTIONS. For any property which has been serviced by a public water company and subsequently connects to the sewer system, the Authority shall bill the property in the manner set forth in Section 5.4.2 above.

A newly constructed residence connected to the sewer system shall be placed in the Unmetered Class for the remainder of the calendar year, and for the next full calendar year. The Authority will then bill the property in the manner set forth in Section 5.4.2 above.

5.4.5. NEW OWNERS OF EXISTING RESIDENCES. New owners of existing residences connected to the sewer system shall continue paying the sewer service fees charged to the prior owner for the remainder of the calendar year. The Authority will then bill the property in the manner set forth in Section 5.4.2 above, basing water consumption data on a projected twelve month total utilizing available water records.

5.4.6. [INTENTIONALLY OMITTED]

5.4.7. SEWER SERVICE FEE FOR CERTAIN CUSTOMERS 65 YEARS OF AGE OR OLDER OR DISABLED. Effective as of July 1, 1995, the variable service charge portion of the sewer service fee for customers who are 65 years of age or older or disabled as set forth in N.J.S.A. 40:14A-8.2, and meet the income limitations specified therein, whether such customers are in the Metered or Unmetered Class, shall be based on the lower of (i) actual consumption as indicated by the applicable water consumption data, or (ii) the average water consumption (for the then current metered year) for properties owned by customers who are 65 years of age or older or disabled as

set forth in N.J.S.A. 40:14A-8.2 and meet the income limitations specified therein; provided, however, that any reduction in the sewer service fee charged by the Authority hereunder shall apply to only the primary residence of such qualified customer who actually owns and resides in that primary residence.

The average water consumption for properties owned by customers who are 65 years of age or older or disabled as set forth in N.J.S.A. 40:14A-8.2 and meet the income limitations specified therein will be recalculated by the Authority on an annual basis.

5.4.8. CHALLENGES TO ASSIGNMENTS AND WATER CONSUMPTION. Each property owner shall be notified of the property's classification assignment and water consumption upon which the use fee is based at the time of issuance of the sewer use bill. A property owner who wishes to dispute the classification or the water consumption shall so notify the Authority in writing, within thirty days of the date the first bill for any particular calendar year was mailed. Failure to notify the Authority within thirty days shall preclude the property owner from seeking to alter its bill. In the event a property has been misclassified by the Authority, upon presentation of sufficient evidence of the misclassification by the property owner, the Authority will assign the property to the proper classification.

Any property owner in the Metered Class who lodges a timely challenge to its water consumption shall submit to the Authority for its review all relevant information as to why the water consumption records relied upon by the Authority are not accurate or do not reflect the water consumption for the property for the time period at issue. The property owner carries the burden to present evidence satisfactory to the Authority that the property's water consumption was less than indicated on its bill. If the Authority

determines that sufficient evidence has been presented, the Authority will adjust the property's water consumption and sewer use fee accordingly.

In the event that, as a result of any action or failure to act on the part of a property owner, the Authority is unable to read the meter or to obtain water consumption information for a property in the Metered Class, that property shall be billed at the same rate as the property in the Metered Class with the highest recorded water consumption plus a surcharge in the amount of \$100.

5.5. SEWER SERVICE FEE FOR NON-RESIDENTIAL USERS. Non-residential users of the sewer system shall be billed at a flat rate for each EDU of capacity associated with the property, an EDU being 280 gpd. The initial capacity associated with the property shall be determined pursuant to Section 5.1. The capacity associated with the property shall be increased if water consumption records for the property indicate that such an adjustment is necessary. A non-residential user may apply for a reduction in the number of EDU on which the annual sewer service fee is based downward adjustment from the approved EDUs after at least three years of actual occupancy and water consumption records. Such a request should be by formal application with documentation of the actual water usage as well as complete information regarding the occupancy and use of the building over the relevant time period, along with any other supporting documentation. The application will be reviewed by the Authority's engineer, which will then make a recommendation to the Authority as to whether an adjustment in the number of EDUs should be made. If the Authority grants a reduction, the reduction will be reflected in subsequent annual service fee billings. No adjustments will be made to the connection fee collected at the time of connection.

The current rate for each equivalent dwelling unit may be obtained from the Authority staff, and appears in Schedule C. The Authority shall adjust this rate on a periodic basis as it deems necessary, pursuant to N.J.S.A. 40:14A-8.

5.6. SEWER USE FEE FOR COMMERCIAL CONDOMINIUM UNITS

NOT INDIVIDUALLY METERED. For purposes of determining the sewer use fee charged to owners of commercial condominium units for which water consumption is not separately metered, if the Authority determines that the flow, according to the water consumption records, for a building which contains more than one commercial condominium unit exceeds the number of EDUs approved by the Authority for such building, then the Authority shall calculate the number of EDUs for each separate commercial condominium unit located within such building as follows: The Authority shall multiply the total flow associated with the entire building, according to the water consumption records for the entire building, by a fraction, the numerator of which is the number of EDUs approved by the Authority for such condominium unit, and the denominator of which is the number of EDUs approved by the Authority for the entire building. Each of such commercial condominium units shall be billed by the Authority on the basis of such calculation for the year following the year for which the water consumption records were applicable.

Notwithstanding the foregoing, if the flow associated with some, but not all, of the condominium units located within such building is measured by a meter, then the sewer service fee for such condominium unit(s) shall continue to be based on the water consumption records associated with such condominium unit(s) as provided in Section 5.5, and the flow associated therewith shall not be utilized in the calculations

contemplated in this Section 5.6. Instead, the Authority shall deduct the flow associated with such condominium unit(s) from the total flow associated with the entire building, and deduct the number of EDUs associated with such condominium unit(s) from the denominator of the fraction to be utilized pursuant to this Section 5.6.

In the event the number of EDU(s) associated with any commercial condominium unit after the calculation pursuant to this Section 5.6 is other than a whole number, the Authority shall not round such number either up or down to the nearest whole number, but rather shall utilize the non-whole number calculated, rounded to the nearest one-tenth.

By way of example, but not limitation, the Authority intends that this Section 5.6 be applied in the following manner:

a. Assume that in 1996 a building containing 7 commercial condominium units, 1 of which was approved for 2 EDUs and 6 of which were approved for 1 EDU each (for a total of 8 EDUs), has used 12 EDUs, in the aggregate, according to the water consumption records for the building. Assume further that the flow associated with the condominium units is not measured by separate meters.

b. In order to calculate the number of EDUs associated with the condominium unit which was approved for 2 EDUs, the Authority would multiply 12 (the total number of EDUs being used by the building in the aggregate for 1996) by $2/8$ (the number of units approved by the Authority for this condominium unit divided by the number of units approved by the Authority for this building), resulting in the number 3, *i.e.*, $12 \times 2/8 = 3$. Thus, for 1997 the bill for this condominium unit would be based on 3 EDUs.

c. In order to calculate the number of EDUs associated with each of the condominium units which were approved for 1 EDU, the Authority would multiply 12 (the total number of EDUs being used by the building in the aggregate for 1996) by 1/8 (the number of units approved by the Authority for each of these condominium units divided by the number of units approved by the Authority for this building), resulting in the number 1.5, *i.e.*, $12 \times 1/8 = 1.5$. Thus, for 1997 the bill for each of these condominium units would be based on 1.5 EDUs.

5.7. MINIMUM CHARGE TO RETAIN CAPACITY. In the event any building that has been connected to the sewer system is voluntarily disconnected, whether because the building is destroyed or otherwise vacated, the user may apply to the Authority to retain the capacity associated with the property by paying 60% of the annual sewer service fee for the number of units previously associated with the property. Notwithstanding the foregoing, the Authority may refuse to permit such retention if property owners within the sewer service area are on a waiting list for capacity, and the capacity will not be re-used by the property owner within a reasonable time, as determined by the Authority. No application shall be accepted for consideration pursuant to this Section until all outstanding sewer charges for the property and the particular applicant have been paid. No request to reconnect to the sewer system or resume use of the reserved capacity shall be acted upon until all outstanding sewer charges for the property and the particular applicant have been paid.

5.8. CHANGE IN USE OR ENLARGEMENT OF NON-RESIDENTIAL BUILDING. In approving an application and/or issuing a connection permit, the Authority relies on the information contained in that application to determine the number

of EDUs of sewer capacity to be utilized by the particular building for purposes of the connection fee, the annual sewer use fee, and for projecting available capacity for future connections. Accordingly, whenever any change in the use of the property or enlargement of any non-residential building is likely to increase the flow of sewage as described in the original application, a new application must be made to the Authority. If the Authority determines that the new use will result in greater flow than previously approved for the property, then the Authority will review the application and the capacity in the applicable sewer service area to determine if the service area has available capacity, as such is defined in Article 4.3 above. The Authority may deny an application for increased flow if it determines that capacity is not available. If capacity is available, and the application complies with all applicable Rules and Regulations, the Authority may approve the request. If the request for additional flow is approved, the applicant will be required to pay a recalculated connection fee to reflect that increase. The Authority also reserves the right to make such an upward revision when its own investigation reveals such a change in use or in the amount of water consumption and resultant sewage put into the system. For those users who have connected to the system prior to the establishment of the Authority and where no allocation of permitted flow was specified, the number of permitted EDUs corresponds to the yearly flow in 1971 or 1972, whichever is larger.

5.9. NON-PAYMENT OF FEES.

a. Accrual of interest. If a customer fails to pay a sewer service charge when due, interest shall accrue on the unpaid balance until the unpaid balance plus interest are paid in full. There shall be a ten (10) day grace period before such interest

begins to accrue, but once it does accrue, it shall accrue from the date payment was due, at the rate of 1-1/2% per month pursuant to N.J.S.A. 40:14A-21(a), or such higher amount permitted by N.J.S.A. 40:14A-21(a), and shall be compounded monthly.

b. Imposition of a lien. If a customer, other than a State agency, fails to pay a sewer service charge when due with regard to any property, the unpaid balance and all interest thereon shall be a lien on such property. The Warren Township tax collector is in charge of collecting liens imposed by the Authority. The Authority shall file in the tax collector's office a statement showing a description of the property, the amount due and the due date of the unpaid balance. The information contained in that statement will be disclosed to the official in charge of making official certificates or searches for municipal liens when a search for municipal liens is performed. When the unpaid balance plus accrued interest is paid in full, the Authority will withdraw the statement.

c. Termination of sewer service. When a sewer service charge is forty-five days past due, the Authority may give the owner written notice, by certified mail, return receipt requested, that sewer service will be terminated pursuant to N.J.S.A. 40:14A-21, as amended, unless payment for past due charges is made within thirty days of the date of such notice. The Authority may direct by resolution the termination of sewer service for any customer whose account is past due and shall send written notice to customers of such resolution.

Additionally, the Authority may, in its discretion, enter upon, and cut and shut off the connection from such property until the unpaid service charges are paid in full.

d. Termination of water supply. If a customer fails to pay a sewer service charge when due with regard to any property, the Authority may cause the water supply to such property to be stopped or restricted until the unpaid service charges are paid in full. If the agency or person in charge of such water supply fails to stop or restrict the water supply as requested by the Authority, then the Authority may itself stop or restrict such water supply. The Department of Health may, after public hearing and certification to the Authority, order the restoration of the water supply if continued stoppage or restriction will endanger public health.

e. Foreclosure. If a customer fails to pay a sewer service charge when due with regard to any property, the Authority may recover the unpaid balance plus interest and attorney's fees and costs in a civil action. Any lien on real property for a service charge may be foreclosed or otherwise enforced by an appropriate action.

f. Hardship. A property owner may request a hearing before the Authority if delinquency is due to financial hardship. A written request for a hearing must be received within fifteen days from the date of receipt of the notice of intent to terminate service.

5.10. OVERPAYMENT OF FEES. In the event that a customer pays an amount in excess of the proper sewer service charges or fees, whether due to the customer's error or the Authority's, the Authority shall, upon the customer's written request, credit such excess against the next scheduled payment of sewer service charges or fees.

6. CONNECTION BAN AND RESERVED CAPACITY.

6.1. SEWER CONNECTION BAN. Under applicable DEP regulations, the Authority has been and, in the future, may be required to impose a sewer connection ban in one or more of the sewer service areas. Whenever a sewer ban is imposed, the Authority will entertain applications for exemptions in conformity with the applicable DEP regulations and its own Rules and Regulations. In addition, the Authority will entertain applications for approval conditioned on the removal of the sewer connection ban, provided that in all other respects the application conforms to the Authority's requirements.

6.2. RESERVE AND ANTICIPATED CAPACITY.

6.2.1. CREATION AND MAINTENANCE OF WAITING LIST. For each sewer plant at which all available capacity has been utilized or reserved as determined by the Authority and its Engineer, there shall be established and maintained a waiting list of properties to which capacity will be offered if and when it becomes available. Requests for placement on the waiting list shall be made in writing to the Authority identifying the property, amount of capacity requested, and the date of request. Each request for inclusion on the waiting list shall be reviewed by the Authority's Engineer who shall make a preliminary determination as to whether the amount of capacity requested reasonably relates to the potential development of that property in light of the current zoning provisions and reasonably expected sewage flows from potential development. If the Engineer concludes that the capacity requested is more than is reasonably likely to be utilized when the property is developed, he or she shall so inform the Authority which shall review the matter and determine what amount of capacity shall be associated with the property on the waiting list. If the Authority, in its discretion, determines to reduce

the amount of capacity associated with any particular property requested to be placed on the waiting list, it shall first give notice to the property owner and permit the property owner to present any information that would support the amount of capacity requested. Placement on the waiting list shall be based on the date the written request is received by the Authority.

6.2.2. PRIORITY OF DISTRIBUTION OF CAPACITY. The Authority, with assistance from its Engineer, shall determine when capacity becomes available in any sewer service area for which a waiting list has been established. Such capacity may become available for a number of reasons, including modification of the NJPDES permit for the plant, a release or return of reserve capacity by a holder thereof, or various other reasons. The Authority also expressly recognizes that because of changing DEP regulations, inflow and infiltration, the need to allow emergency connections when a health emergency arises, and other circumstances, the fact that reserve capacity might be returned or released does not necessarily mean that capacity will be available for distribution to property owners on the waiting list. Except as otherwise provided, capacity is to be offered to the first property owner on the waiting list. The Authority is in no way precluded from making capacity available to property owners that are not on the waiting list, or that are not at the top of the waiting list, in the event of a health emergency or if a compelling public interest would be served thereby.

6.2.3. MANNER IN WHICH CAPACITY SHALL BE OFFERED AND ACCEPTED. The offer of capacity shall be made by sending a letter to the property owner indicating that capacity has become available and the amount of capacity that is being offered to the property owner. A copy of the relevant provisions of the Authority's

Rules and Regulations will be included with such correspondence. The amount of capacity offered shall be the same as indicated on the waiting list unless the amount of capacity that has become available to the Authority is insufficient to offer the entire amount to the property owner in question. The owner shall indicate in writing within forty-five days of receipt of the Authority's letter whether he or she intends to accept and utilize that capacity. If he or she indicates that he or she will not accept and utilize the capacity, or fails to respond in writing within the forty-five days, the capacity shall be offered to other property owners. If the property owner elects not to accept and utilize the capacity, he or she may request to remain at the top of the waiting list. If he or she does not so request, or if he or she does not respond to the offer of capacity, the property owner shall be removed from the waiting list.

6.2.4. DEPOSIT FOR RESERVED CAPACITY. Unless for a particular facility there are no other property owners on the waiting list, or except as provided in Section 6.2.6(a) below, the Authority shall require a property owner to pay a reservation deposit associated with the capacity being made available. The reservation deposit shall be \$3,000 per equivalent unit and shall be payable within ten days of the property owner's acceptance of the capacity, unless otherwise provided in these Rules and Regulations or in the resolution granting such approval. Failure to pay the reservation deposit shall result in the withdrawal of such Preliminary Approval and the withdrawal of capacity. In the event that the capacity is utilized, then at the time of issuance of the connection permit for any unit or units of capacity, the amount of the reservation deposit (with no interest being calculated thereon) for each EDU shall be credited in full against the current connection fee. In the event that the current connection fee is less than the

reservation deposit, the difference shall be paid to the property owner. In the event that the capacity is not utilized in the time required below, or the property owner elects to return the capacity rather than to utilize it, then the reservation deposit shall be returned to the property owner, without interest, but only if and when another property owner is ready and able to accept the capacity under the terms and conditions set forth in these Rules and Regulations.

Notwithstanding the above, any property owner who has been offered and has accepted 50,000 gpd or more of capacity in any treatment plant may return up to 25% of that capacity for any reason and at any time prior to the property receiving preliminary approval from the Planning Board or other appropriate land use board. The applicant shall receive a proportionate refund, without interest, based upon the amount of capacity returned. The return of up to 25% of the capacity and proportionate refund for property owners who have accepted more than 50,000 gpd of capacity shall not be dependent upon another property owner being willing and able to accept such returned capacity. The remainder of the capacity beyond the 25% returned shall be subject to all of the other provisions of these Rules and Regulations.

6.2.5. UTILIZATION OF RESERVATION PAYMENT. All monies received by the Authority through reservation payments shall be deposited into the Revenue Account or equivalent account, if any, established under the Authority's then current Bond Resolutions.

6.2.6. TIME WITHIN WHICH CAPACITY MUST BE UTILIZED.

a. If the property for which capacity has been made available and has been accepted is an existing dwelling or building, the owner shall be required to apply to

the Authority for approval to connect within forty-five days of his acceptance of the capacity. Actual connection to the system shall be made within forty-five days of final approval, unless otherwise provided in the resolution granting such approval. No reservation deposit shall be required for such existing dwelling or building, although at the time of the issuance of the connection permit the current connection fee shall be paid.

b. If the property is a vacant single residential building lot, the owner shall be required to apply for Preliminary Approval to connect within forty-five days of his acceptance of the capacity. Application for a building permit must then be made within forty-five days of Final Approval (which, unless a sewer extension is required, shall be part of the Preliminary Approval), unless otherwise provided in the resolution granting such approval.

c. In the event that the property is a vacant residential property for which the owner intends to seek only minor subdivision approval before development, then, in order to retain the capacity, the owner must submit an application to the Authority for Preliminary Approval within ninety days of his acceptance of the capacity. For purposes of permitting the proposed development to be reviewed by the Township Planning Board or Board of Adjustment, as the case may be, the Authority will conditionally approve such an application, provided that it satisfies the Authority's other requirements, which shall include adherence to the time limits set forth in these Rules and Regulations. In addition, the owner must submit a completed application for development to the Land Use Board with jurisdiction over the development within ninety days of the Authority's grant of Preliminary Approval and shall so notify the Authority when such application has been made. In addition to the foregoing, the owner shall

submit an application to the Authority for Final Approval within three years of final land use approval from the Land Use Board.

d. In the event that the property is vacant (whether residential or commercial) and requires land use approval other than minor subdivision approval before development, then, in order to retain the capacity, the owner must submit an application to the Authority for Preliminary Approval within 180 days of his acceptance of the capacity. For purposes of permitting the proposed development to be reviewed by the Township Planning Board or the Board of Adjustment, as the case may be, the Authority will conditionally approve such an application, provided that it satisfies the Authority's other requirements, which shall include adherence to the time limits set forth in these Rules and Regulations. The owner must submit a completed application for development to the Land Use Board with jurisdiction over the development within 180 days of the Authority's grant of Preliminary Approval and shall so notify the Authority when such application has been made. In addition, the owner shall submit an application to the Authority for Final Approval within three years of final land use approval from the Land Use Board having jurisdiction over the development.

e. If the property is vacant and has already obtained drylines approval, then the individual building lots in such a development shall be treated as separate properties on the waiting list and subject to subsection (b) above.

f. If the time limits set forth above are not directly applicable to a particular property, the Authority shall have the discretion to determine that the property is not being developed in a manner that will result in the timely utilization of the capacity and, for that reason, may withdraw such capacity. Failure to comply with these time

limits, unless otherwise relaxed by the Authority upon a showing of good cause or special circumstances, shall result in the capacity being withdrawn from the property and the property owner being removed from the waiting list. The Authority shall notify any property owner at least fifteen days in advance of the date on which capacity is to be withdrawn and shall permit the property owner to submit any information which he or she believes justifies an extension or relaxation of these time limits in his particular case.

6.2.7. PROPERTY IN AREA SUBJECT TO SEWER CONNECTION BAN.

If the property is located in a sewer service area which is subject to a sewer connection ban, and the property owner is not able to qualify for an exemption from such a ban, then the time within which the owner must obtain Final Approval shall not commence running until such a ban has been removed or the property qualifies for an exemption.

6.2.8. ENGINEER REVIEW OF CAPACITY. Whenever capacity becomes available to offer to property owners on the waiting list, the Authority may direct its Engineer to review the amount of capacity associated with each property which might be eligible for an offer of such capacity to determine if the amount of capacity associated with that particular property bears a reasonable relationship with the potential development of that property in light of current zoning provisions and reasonably expected sewage flows from potential development. If the Engineer concludes that the capacity is more than is reasonably likely to be utilized when the property is developed, he or she shall so inform the Authority which shall review the matter and determine what amount of capacity shall be associated with the property on the waiting list. If the Authority, in its discretion, determines to reduce the amount of capacity associated with any particular property on the waiting list, it shall first give notice to the property owner

and permit the property owner to present any information that would support that amount of capacity being requested. Nothing in these Rules and Regulations shall obligate the Authority to provide or construct any sewer extension or line to reach or service any property on the waiting list to which capacity is offered.

6.2.9. CONTRACT EXECUTION. Each property owner reserving capacity under Section 6.2 of these Rules and Regulations shall execute a contract at the time he or she accepts capacity, to be prepared by the Authority's attorney, setting forth the rights and obligations of both the property owner and the Authority in relation to a reservation of capacity.

6.2.10. NON-ASSIGNMENT OF RESERVE CAPACITY AGREEMENTS. In connection with previous construction or expansion of certain sewerage treatment plants, the Authority entered into reserve capacity agreements with various property owners who contributed to the cost of construction or expansion in exchange for a certain amount of capacity being reserved for his use for a period of ten years. Those agreements permit the transfer of such capacity to another property with Authority approval. To ensure that any reserved capacity that becomes available is made available to property owners who will actually utilize it, the Authority has determined that it will not approve assignment of existing reserve capacity agreements to third parties. Accordingly, in the event that a holder of a reserve capacity agreement chooses to relinquish all or a portion of the capacity so reserved, that capacity shall be returned to the Authority.

a. No capacity, obtained pursuant to a capacity agreement, or any other method, shall be transferred from one property to another. Any and all capacity that a holder wishes to surrender must be returned to the Authority. The capacity may

not be transferred to a third party or used by the holder in connection with any other property, except the property for which it was initially applied or reserved.

b. Once capacity is returned, the Authority shall take such actions in regard to the capacity returned as it may determine is in the best interests of the Authority and its customers.

6.2.11. RETURN OF CAPACITY BY HOLDERS OF EXISTING RESERVE CAPACITY AGREEMENTS. Whenever the holder of an existing reserve capacity agreement indicates that he or she wishes to relinquish all or a portion of the capacity so reserved, the Authority shall first determine if such capacity has not been utilized by the holder of the reserve capacity agreement. To that end, the Authority shall require the holder of the reserve capacity agreement to submit sufficient information regarding utilization of capacity to permit the Engineer to determine the amount of capacity actually being utilized. After the Authority has determined that capacity is available for return to the Authority, it shall determine whether to make such capacity available to other property owners as provided for in these Rules and Regulations.

6.2.12. REGULATION OF CAPACITY FOR SPECIFIC SEWER SERVICE AREAS. Notwithstanding the above Rules and Regulations regarding the offering of capacity to property owners on a waiting list, the Authority may, from time to time, adopt more particular rules, regulations or provisions for individual sewer service areas.

7. LOCATION OF CONSTRUCTION.

7.1. LOCATION OF SEWER EXTENSIONS AND CONNECTIONS CONSTRUCTION. The construction of all sewer extension lines which are not within easements shall be located in the public roadway, approximately in the center of the

roadway. Exceptions may be made by the Authority where topography or connection to the existing sewer system make such location of construction impossible or impracticable. The Authority may approve location of construction not in the public roadway upon recommendation of the Engineer who shall state in writing the reasons for his recommending that the construction not be so located.

7.2. REIMBURSEMENT FOR OFF-TRACT SEWER STUB CONSTRUCTION. Requirement for Construction of and reimbursement for off-tract sewer stub construction. Applicants shall identify all properties adjacent to which a sewer extension will be constructed. Construction of off-tract sewer stubs for such properties and reimbursement for such off tract sewer stub construction will be governed as set forth herein. ("Off-tract stub construction" shall mean all sewer stub construction not located in the subdivision or property in question, or not in a contiguous portion of a street or right-of-way, or not otherwise intended to serve a lot or residence which is within the subdivision.) Where any property will be required by the Township Board of Health or other agency to connect to the sewer system following completion of the line, or if the Authority otherwise determines that there would be benefits to other properties with the ability to access and make use of such off-tract sewer stub construction, the Authority shall require the applicant to construct appropriate off-site stubs for connection of existing or anticipated future structures on such properties, unless the applicant demonstrates good cause as to why a stub should not be constructed for any such properties. The applicant shall be required, prior to the granting of preliminary approval, to contact the owners of such properties identified by the Authority to determine the appropriate location of the stub. The applicant shall provide evidence to the Authority

that such consultation has occurred and agreement reached. The Authority's sole obligation shall be to reimburse the applicant for the off-tract stub construction cost in the amount determined as follows:

- Gravity connection - including 4" lateral, cleanout and capped stub - \$1,500 + \$100/LF of sewer lateral to property line.
- Low pressure force main connection - including forcemain and lateral kit with isolation and check valves - \$1,500 + \$75/LF of forcemain to property line.

Payment of the stub reimbursement amount shall be authorized on or before ninety days after submission of an application for reimbursement by the applicant, which application shall be submitted after final approval of the sewer system. The amount paid by the Authority shall be considered an actual cost of connection for purposes of N.J.S.A. 40:14A-8 and Section 5.3 of these Rules and Regulations.

The Authority's resolution granting Preliminary Approval for an application involving off-tract construction shall specifically provide for the construction and location of the off-tract stubs which it is required to construct. The Authority's Secretary shall forward a copy of such resolution to the Board of Health to advise the Board of Health of such construction. The Authority's Secretary shall also notify the owners of the properties for which stubs are to be constructed. The Authority's Secretary also shall forward a copy of the Authority's resolution granting Final Approval for such an application to the Board of Health, along with the Authority's Engineer's report to the Authority recommending acceptance of the off-tract improvements. The Engineer's report shall state that there are off-tract sewers passing in front of unsewered dwellings.

8. RULES APPLICABLE TO ALL CONNECTIONS.

8.1. CONSTRUCTION, ENGINEERING, AND PLUMBING STANDARDS AND SEWER EXTENSIONS AND IMPROVEMENTS. All sewer

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improvements and connections must be constructed in accordance with sound and accepted engineering standards for sewer construction, including the use of laser equipment to set the line and grade of the sewer pipe. Plumbing contractors who are utilized to complete connection must adhere to BOCA codes.

8.2. PUMP STATIONS STANDARDS. The following standards shall apply to all pump stations (other than individual sewer pumps).

8.2.1. PUMP STATION - GENERAL CONDITIONS.

a. All raw sewage shall undergo grinding before pumping. Comminutors or grinders may be approved in lieu of grinder type pumps and shall be provided with acceptable by-pass.

b. A minimum of two (2) pumps shall be provided, each capable of handling the total peak flow. If more than two pumps are used, the capacities shall be such that upon the failure of the largest pump, the remaining pumps will be capable of handling the peak flows. All pumps and equipment shall be constructed of materials that are compatible with design conditions, including explosion-proof construction where required and as determined by the Authority Engineer. Shut off valves shall be provided on suction and discharge piping, and shall be flanged or otherwise removable. Check valves and pressure gauges shall be provided on all discharge pipes.

c. Pumping stations may be of the dry well/wet well type or of the submersible pump type.

d. Submersible pumps shall be installed directly in the wet well. Pumps shall be equipped with a guide rail system, lifting chain and winch system and ample size access doors to permit quick removal and reinstallation of the pumps for service and repair.

e. An auxiliary source of power shall be provided. The auxiliary power shall be diesel or LP gas operated and shall be housed in a superstructure to conform to the neighborhood architecture and provide for maximum noise reduction. All diesel operated facilities shall be supplied with sufficient fuel storage for a twenty-four

(24) hour operating period. Diesel fuel storage shall be above ground and designed in accordance with State and Local regulations.

f. All pump stations shall be located in areas that are not subject to flooding and that are accessible by motor vehicle. Each pumping station must be on a lot or easement meeting minimum standards of applicable Municipal, County, and State agencies, as well as the Authority. The plans and specifications must include provisions for lawns, shrubbery, paved drive and four-inch (4") thick concrete walk and the entire property must be surrounded by an eight (8) foot high chain link fence, unless an alternative fencing is specifically approved.

g. Pump stations shall be provided with an alarm system compatible with the Authority's existing alarm telemetry system.

h. Adequate light, ventilation, heat, and fresh water supply with hose outlets shall be provided for all stations. No connections between freshwater and sewage pumps or pipes are permitted. Potable water supply shall be protected by an approved reduced pressure zone backflow prevention device.

i. Force main velocities shall be two feet per second (2 fps) minimum. Properly designed air release valves shall be provided on high points of the force main. The force main shall be provided with acceptable cleanout manholes as may be required.

j. The Authority Engineer's review is intended to establish that the design of the pump station/force main submitted by the Developer for review conforms to the minimum requirements of the Authority as embodied in these Rules and Regulations. Problems encountered by the Developer during the construction of any approved pump station/force main shall be addressed by the Developer's design engineer with any proposed modifications submitted to the Authority Engineer for review and approval prior to their implementation.

k. The Developer shall submit plans and specifications for the pump station and force main. The pump station plans shall include but not be limited to site plan, force main plan and profiles, pump station plans and sections, electrical and HVAC drawings, architectural and structural drawings and associated details.

8.2.2. PUMP STATION DESIGN STANDARDS Additional pump station and force main design standards and data required to be submitted to the Authority are as follows:

a. General

1. The Developer shall provide a pump design report in accordance with New Jersey Department of Environmental Protection Regulations, including, but not limited to, the following:

- Average and peak flow
- Potential future flow
- Force main sizing
- Static head, friction head, and Total Dynamic Head
- System head curve
- Pump selection
- Wet well sizing
- Cycle time
- Proposed on/off levels and alarm settings
- Anti-flotation calculations
- Structural calculations for all structures
- Odor control design

2. Pump stations to be owned by the Township or the Authority are to be on lot(s) owned by the Township or the Authority (fee simple title) unless otherwise specifically approved.

3. The Developer shall provide soils information/report to include a full geotechnical report and analysis, foundation recommendations, expected ground water conditions, water table depths and seasonal high water depths.

4. Prior to the Authority assuming responsibility for operation and maintenance, the following must be completed or supplied:

- All administrative requirements as set forth in the Authority Rules and Regulations

- Documentation that the manufacturers, vendors and/or authorized representative(s) have checked and approved of the proper installation of their equipment and materials.
- Four copies of Operation and Maintenance (“O&M”) for all equipment and as-builts (2 paper copies, 1 electronic PDF copy).
- Testing of all equipment in the presence of the Authority’s Engineer and Authority’s operating company. Prior to testing, the Developer shall submit a testing plan for the Authority’s review and approval.
- Instruction for operation and maintenance of all equipment given in the presence of Authority personnel. Four (4) hours minimum training required by manufacturer. Scheduling of instruction shall be coordinated through the Authority Engineer at least five (5) days prior to scheduled training date.
- Two spare pump motors or one spare pump, depending on the pump design, in addition to any other spare parts as recommended by equipment manufacturers.

5. The Developer shall provide required OSHA safety and

warning signs.

b. Mechanical

1. Pumps may be dry pit or submersible. For pumps that are not grinder pumps, the pumps shall be non-clog solids handling pumps capable of passing a 3-inch (3") solid. For dry pit pump stations, the pumps shall be of the dry pit submersible type.

2. For submersible pump stations, a valve pit is required to house force main discharge valves. Appropriate drainage of pit must be provided.

3. Gate valves shall be resilient seat type.

4. Pump station by-pass connection must be provided in a manhole or valve pit. Connection to include gate valve and blind flange.

5. Pressure gauge on pump discharge must be provided.

6. A flow meter acceptable to the Authority with isolation valves must be provided. Remote recorder with totalizer is required.

7. Grinder type pumps shall be provided or a grinder/comminutor, either wall mounted with a frame system in the wet well or in a separate pit. Wall mounted units shall have a side rail system. Overall arrangement must be acceptable to the Authority.

8. Brackets, chains, etc., in wet well shall be stainless steel.

9. Davit at wet well and grinder/comminutor pit for equipment removal must be provided.

10. Hoist at wet well and grinder/comminutor pit for personnel retrieval must be provided.

11. A "ladder-up" device or grab bars must be provided.

c. Electrical/Ventilation

1. An emergency Generator shall be provided and be self-contained in its own weather and sound proof enclosure.
2. Generator shall have a “residential” grade muffler and include exercise timer, and incoming voltmeter/ammeter. The generator shall be designed with all necessary appurtenances to meet federal, state county and local regulatory agency requirements ordinances and standards associated with emissions. The generator shall include an automatic transfer switch and shall conform to all federal, state, county and local regulatory agency requirements, and standards for noise, as measured at the pump station property line with the generator operating. Generator shall be sized to operate two pumps simultaneously and to start one pump while other is running.
3. Fuel storage tanks shall be double wall construction and located above ground.
4. Calculations required: generator sizing; fuel tank sizing; service size; and lighting analysis.
5. Forced ventilation is required for a dry well. Air changes shall be 30 air changes per hour intermittently or 12 air changes per hour continuously.
6. Site lighting is required (switchable with override, timer, and photocell).
7. Locks must be keyed as required by the Authority.
8. Electric services shall be 3-phase for stations with pumps larger than $\frac{3}{4}$ HP.
9. Conduit in classified areas must be PVC coated RGS.
10. Transfer switch must have overlapping switched neutral.

11. Drawings to be provided: one line diagram; equipment layout (to scale); panel schedules; equipment lists; and conduit layout.

d. Controls and Instrumentation

1. Control panels located outdoors shall be of stainless steel, NEMA 4X minimum and be suitable for the classification of the area.

2. Control systems shall be PLC based and be provided with display screens.

3. Level sensing shall be by submerged transducer with float back-up. Control levels shall be provided suitable for the pumping application.

4. Consideration shall be given for incorporating Variable Frequency Drives (VFDs) in the design.

5. Number and type of alarms shall be suitable for the application as determined on a case by case basis. A system to transmit alarms shall be provided, and shall be compatible with the Authority's existing system.

6. Controls system shall have as a minimum, depending on the application, HOA switch for each pump, pump run and stop lights, pump failure, pump stop and start, silence alarm, test and reset.

7. Elapsed time meters for pumps shall be provided.

e. Site

1. Pump station property shall be surrounded with 8-foot high chain link fence, unless an alternative fencing is specifically approved.

2. Detailed grading and all utilities on pump station lot shall be shown on the plans.

3. Unpaved areas to one foot outside fence are to be covered with 6” of bluestone over weed control fabric.

4. Access drive shall be paved with 6” base course and 2” surface course.

5. Access drive shall be sized for jet truck entry and turnaround.

6. Chambers to be set a minimum of 6” above grade.

7. Pump station site shall be landscaped and screened.

8. All drawings to be drawn to scale.

9. All fencing, screening and planting required herein shall have received approval from the Warren Township Police Department, or other appropriate agency, to ensure conformance with any line of sight or similar traffic safety requirements.

f. Forcemains

1. Pipe 4-inches and larger shall be DIP, minimum pressure class 200 or minimum thickness Class 50 for special thickness class pipe. Pipe less than 4-inches in diameter shall be SDR-21 PVC pressure pipe. Pipe shall have a minimum cover of three (3) feet. PVC forcemains shall be installed with warning tape and a trace wire system, as approved by the Authority’s Engineer.

2. Air release or combination air release/vacuum relief valves shall be provided at highpoints.

3. Cleanout manholes shall be provided at low points.

4. Forcemain entrance into the discharge manhole shall be of watertight construction and the forcemain shall be suitably directed into the receiving manhole channel by utilizing elbows and rebuilding the manhole channel as may be required to produce a smooth flow transition and minimize turbulence.

5. All force mains shall undergo a hydrostatic pressure test at 1.5 times the maximum operating pressure held for two (2) hours with no leakage.

8.3. RESTRICTIONS ON THE USE OF INDIVIDUAL SEWER PUMPS AND PROHIBITION ON THE USE OF PRIVATE LATERALS. The Authority has determined that generally it is contrary to sound policy for buildings to be sewered by means of an individual sewer pump or similar device rather than by a gravity line from the building to the sewer line. The Authority has also determined that it is contrary to sound policy for connection to a sewer line to be made by means of the installation of a private lateral in a public right of way.

a. Therefore, no approval shall be given for connection of any existing or new building to the sewer system by means of utilization of an individual sewage pump or other similar device except:

i. where the applicant demonstrates to the satisfaction of the Authority that there exists no feasible gravity flow alternative. The burden is on the applicant to make such a demonstration, and that demonstration must include evidence that the applicant is unable, after reasonable efforts, to acquire easements from surrounding property owners that would permit construction of a gravity connection. If gravity flow may be achieved by extending an existing sewer line, then the gravity flow alternative shall be deemed feasible unless the conditions and costs associated with

construction of the extended gravity line are demonstrated to the satisfaction of the Authority to be unreasonable relative to the pumping alternative; or

ii. when the Authority has determined, in its sole discretion, that, due to extraordinary circumstances unique to an individual property, use of a residential grinder pump rather than a gravity connection would be in the public interest, and then only if the force main satisfies the other provisions of this Article. Such extraordinary circumstances may include connection to a common low pressure sanitary force main owned and operated by the Authority that has been installed in the public road, right of way or easement specifically for connection of adjacent buildings by low pressure pumping systems; or

iii. to service a "basement" or "cellar" (as such terms are defined in N.J.A.C. 5:10-2.2) provided that the sewer lateral which services the building flows by gravity to the sewer line.

b. Wherever an individual sewage pump is permitted pursuant to this Section, such pump shall be located outside of the building installed in a packaged chamber which permits storage of sewage, and the sewage from the building shall flow by gravity to the pump. The applicant shall submit plans and specifications as required to document the design features, physical data, means of connection to the Authority's system, and performance of the pump facility regarding anticipated flow to be discharged into the Authority's system. The pump facility shall be of a grinder type design approved by the Authority Engineer and shall meet the following minimum criteria:

i. the pump shall be a solids handling progressing cavity or centrifugal type grinder pump, suitable for the application, and be electric motor driven.

ii. the pump shall be suitably mounted in a basin capable of storing sewage with an integral accessway, assembled complete with controls, alarms, and valving.

iii. controls shall include motor starting controls, level sensing pump controls and a National Electrical Manufacturers Association NEMA 6 electrical quick disconnect.

iv. alarm panel shall be in a remote mounted NEMA 4X enclosure and include a high water alarm with external audible and visual alarm.

v. valving shall include a check valve, anti-siphon valve, shut off valve and quick disconnect for pump removal.

vi. the manufacturer of the grinder pump package unit shall have a local service support program and the local service provider shall stock all parts for replacement and repair.

c. The lateral from any building and the force main from any approved individual sewage pump shall make connection to the main line sewer along the reach in front of the lot in question (or the side or rear, in appropriate cases as recommended by the Authority's Engineer) and between the projected property lines that would intersect the main line sewer.

d. Any lateral or sewage force main shall enter the main line sewer either perpendicular to the main line or at an angle of not more than 45° from perpendicular to the main line, such 45° angle to be in the direction of main line flow.

e. Any lateral or sewage force main shall be provided with at least three feet of cover above the pipe and below the road surface, but shall normally be placed at a depth of approximately six feet, thereby reserving the elevation locations generally utilized by storm drainage facilities, gas, electric or water facilities.

f. For any individual sewage force main, the pipe material shall be Class 200 pressure pipe (SDR-21) PVC unless specific site conditions require a higher

strength pipe with a greater wall thickness. The pipe shall be of the rubber ring push-on joint type. As an alternate, force main pipe material may be minimum Class 160 psi (DR-11) HDPE, with an equivalent nominal ductile iron pipe size outside diameter. Fittings shall be butt fusion or electrofusion joints. Testing of force mains shall be by means of a hydrostatic test at 1.5 times the maximum operating pressure, held for 2 hours. No leakage shall be allowed. The pipe bedding and backfill shall be in accordance with the standards shown on the Warren Township Standard Detail Sheet. The pipe size shall be a minimum diameter of 1¼", however, larger sizes are acceptable as necessary to suit specific site conditions. All force mains located within a public right of way or public easement shall be installed with warning tape and a trace wire system, as approved by the Authority's Engineer.

g. Where feasible, an individual sewage pump shall discharge directly to a gravity sanitary sewer main line or to a manhole. Where practicable, high points shall be avoided along the force main. Where high points result, suitable air release or combination air release/vacuum relief valves shall be provided in a manhole structure. The connection to the main line sewer shall be done in accordance with the Warren Township Sewerage Authority Standard Details and shall provide a tight, leak proof connection. Insofar as possible, the connection shall be made to an existing house lateral stub, if available and in accordance with the Standard Details. Where no existing connection stub exists, a new connection shall be made utilizing a saddle clamp which shall be in accordance with the Warren Township Sewerage Authority Standard Details. Should the connection be made to the sanitary sewer system through an existing manhole,

the individual force main shall be connected in accordance with the Authority's standard details.

h. Restrictions on Low Pressure Systems. Because of the costs to the Authority associated with the operation, maintenance and repair of force mains and other components of low pressure systems, it is the policy of the Authority not to permit such low pressure systems except under limited and extreme circumstances. An exception may be made to this policy if the low pressure system and all components will be owned, operated, maintained and repaired by a condominium or homeowners' association or similar arrangement under which the Authority is not responsible for such expenses. The Authority will consider, on a case-by-case basis, permitting a low-pressure system only when a development cannot be sewerred by gravity to existing sewer facilities. The approval shall be subject to such other reasonable conditions as may be imposed by the Authority. Under no circumstances shall the Authority have any responsibility for any individual pump stations or private laterals associated with such low-pressure systems. Wherever a pressure sewer main is permitted pursuant to this Section for the connection of multiple individual sewage pumps, the pressure sewer main shall be suitably sized for the initial number of connections and for the ultimate number of connections. The Applicant shall provide a report with the design criteria and sizing calculations for the pressure sewer main. At a minimum, the following conditions shall apply to a pressure sewer main:

- i.** Terminal and in-line clean-out manholes shall be provided along the length of the pressure sewer main to allow isolation and flushing of the pressure sewer main sections. At a minimum, a clean-out manhole shall be

located at termination ends; at all low points; at all changes in direction greater than or equal to 45 degrees; and at an intermediate spacing no greater than 800 feet.

ii. Air release or combination air release/vacuum relief valves shall be provided at all high points with the line, prior to the line decreasing grade.

iii. The pressure sewer main shall transition to the gravity sewer system at a manhole. The pressure sewer main entrance into the discharge manhole shall be of watertight construction and the discharge shall be suitable directed into the receiving manhole channel utilizing fittings and rebuilding the manhole channel as may be required.

iv. Where an individual force main is connected to the pressure sewer main, a redundant check valve and clean-out/flushing connection assembly shall be installed on the individual force main at the front of the property before its connection to the pressure sewer main.

v. The minimum nominal pipe diameter of the pressure sewer main shall be 2-inches. The pipe material, depth of cover, pipe bedding and backfill, testing, connection arrangements, and other conditions specified above for individual force mains shall apply to pressure sewer mains.

i. The Applicant and subsequent property owners shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her individual sewer pump and force main or lateral. The Applicant and subsequent property owners shall also have full responsibility for using the system

consistent with the manufacturer's instructions and shall not introduce materials that may be detrimental to the system's operation.

j. As a condition of approval, the Authority shall require an agreement with the applicant, or, if different, with each individual property owner for whom the applicant proposes to install an individual sewage pump and any associated force mains or low pressure laterals to assure the proper short- and long-term operation and maintenance, use, service, repair or replacement of such systems. Such agreement shall be in a form provided by the Authority's attorney, and shall be filed and recorded with the County of Somerset. Such agreement shall include the following terms:

i. The property owner shall provide adequate documentation that full service capacity is available locally on short notice in case of malfunction.

ii. The property owner shall obtain and maintain, at the property owner's sole expense, a maintenance contract with an authorized Maintenance Contractor (hereinafter the "Maintenance Contractor"). The Maintenance Contractor shall be a private independent contractor who has been given special training by the original equipment manufacturer and is authorized by the manufacturer to service the equipment. Such maintenance contract shall require that after the first month of operation of the individual sewage pump system, and annually thereafter, or more frequently if the manufacturer of any component parts recommends more frequent servicing, the Maintenance Contractor shall inspect the system and provide the property owner with copies of a report signed by the Maintenance Contractor certifying that the system is operating in accordance with the Authority's requirements, as well as any applicable

requirements or permits of any other agency. The inspection and maintenance program will include at a minimum the manufacturer's recommended services and inspections for each separate component of the System. The property owner shall provide a copy of the most recent signed report within seven days of written request by the Authority.

iii. The property owner shall indemnify and save harmless the Authority, its officers, agents, servants and employees and each and every one of them against and from all suits, claims, damages, liabilities, losses, and costs (including, but not limited to attorneys' fees and costs) of every kind and description, arising out of or relating to the system, or through any improper or defective machinery, implements, supplies or appliances used in the installation, maintenance, or repair of the system, or by any improper or defective work performed in connection with installation, maintenance, or repair of the system, or through any act or omission of any kind whatsoever on the part of the property owner or anyone acting on the property owner's behalf in regards to the system.

iv. Should the property owner fail to comply with the terms set forth in the agreement, the Authority's Rules and Regulations, or any applicable approvals to the reasonable satisfaction of the Authority, the Authority reserves the right to take any action required to put the system in such compliance, which action shall be at the property owners' sole expense. Without limiting the foregoing, the Authority may issue a Notice of Violation as provided for in Section 14 of these Rules and Regulations.

k. Where a force main or lateral is shared between property owners, they shall file and record with the County of Somerset a Declaration of Easements, Covenants and Restrictions in a form acceptable to the Authority's attorney, setting forth the agreed-upon terms between each property owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low pressure sewer system.

l. Notwithstanding the provisions of section (h) above, the Authority may determine under unique circumstances to assume ownership or and agree to operate a low pressure system. Where the Authority owns and operates a low pressure sewer main, the Authority reserves the right to make periodic inspections of the grinder pump unit on each property served by the Authority's pressure sewer line. Such inspections will be in addition to those required of the property owner and will be done at the expense of the property owner and shall be for the purpose of determining if there are defects in the low pressure system that adversely affects pressure in the sewer line. Defects discovered through such inspections will be reported to the property owner for prompt correction at the property owner's expense. The purpose will be for prevention of damage to the Authority's system or harm to the public, not for such matters that only affect the individual's property. The Authority shall have the right of access to and inspection of every improved property with a pump which discharges wastewater to any of the Authority's pressure sewer lines. Such right of access shall extend to the agents, contractors, subcontractors, employees, and officials of the Authority when acting for the Authority. Such right of access shall be for the purposes of inspecting, maintaining, repairing, and replacing any part of a pressure sewer system located on the improved

property and for the purpose of preventing or abating any health hazard or nuisance arising from a malfunction of a pressure sewer system.

8.4. RESTRICTIONS ON PUMP STATIONS. Because of the costs to the Authority associated with the operation, maintenance and repair of pump stations, it is the policy of the Authority not to permit pump stations. An exception may be made to this policy if the pump station will be owned, operated, maintained and repaired by a condominium or homeowners' association or similar arrangement under which the Authority is not responsible for such expenses. The Authority will consider, on a case-by-case basis, permitting a pump station only when a development cannot be seweried by gravity to existing sewer facilities and where the number of units in the proposed development is sufficient to justify the future expenditure of Authority moneys on operation, maintenance and repair. In any event, the approval of any pump station will require that the applicant supply the Authority with two replacement motors or one spare pump depending on the pump design, to ensure the availability of such replacements, and that the propane or other secondary fuel tank for the backup generator be filled by the applicant. The approval shall be subject to such other reasonable conditions as may be imposed by the Authority.

8.5. EASEMENTS AND APPLICANT RESPONSIBILITY. As provided for in Section 4.1 of these Rules and Regulations, the applicant shall bear the responsibility and expense of securing permission, easements or rights of way which may be required to permit the construction of sewerage service lines from the applicant's property through privately or publicly owned property to lines operated by the Authority.

8.6. METERS. Whenever it shall be deemed necessary by the Authority, any non-residential user of the sewer system may be required to install at its own cost and expense and under the direction of the Engineer or authorized agent, water meters or sewerage meters to calibrate the volume of water or sewer usage, or both. The property owner shall be responsible for obtaining all approvals and permits required to install such meters. The Engineer or authorized agent shall be allowed reasonable access to any such meters for purposes of inspection and reading.

8.7. UTILITY BILLS. The Authority may request, by written notice, that any non-residential user produce copies of all bills indicating water consumption during the preceding twelve-month period. Utility billing information for residential users will be obtained by the Authority as provided elsewhere in the Authority's Rules and Regulations.

9. PROHIBITION OF EXTRANEEOUS FLOW AND DISCHARGE OF CERTAIN WASTE.

9.1. WASTES NOT PERMITTED TO BE DISCHARGED. The discharge of the following wastes into the sewerage system will not be permitted:

a. Storm water, surface water, ground water, roof run-off, sub-surface drainage, swimming pool or pond water, uncontaminated cooling water or unpolluted industrial process waters;

b. Any gasoline, benzene, naphtha, mineral oil, fuel oil or other volatile, flammable or explosive liquid, solid or gas, unless authorized by the Authority in specific concentrations;

c. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewerage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewerage treatment plant including, but not limited to:

i. Any liquid or vapor having a temperature higher than 110 degrees Fahrenheit or 43.3 degrees centigrade;

ii. Any water or waste containing fats, wax, grease or any oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify, or become viscous, at temperatures between 32 and 110 degrees fahrenheit, or 0 and 43.3 degrees centigrade;

iii. Any unshredded garbage exceeding one-half ($\frac{1}{2}$) inch;

iv. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

v. Any water or wastes containing any of the following in amounts in excess of limits determined by the Authority after consultation with the Authority's Engineer:

Arsenic
Barium
Boron
Cadmium
Total Chromium
Copper
Cyanides
Lead
Selenium
Zinc
Chlorides
Oils and Greases

Hydrogen Sulfide
Iron (total)
Nickel
Nitrous Oxide
Oils, mineral
Phenols
Phosphorous
Silver
Sulfur Dioxide
Mercury

and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, or to such degree that such material received in the composite sewerage treatment works exceeds the limits of the treatment processes, as established by the Engineer, for such materials;

vi. Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Authority;

vii. Solid or viscous substances in quantities, or in such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operations of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground up by garbage grinders;

viii. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite sewerage, to meet the requirements of State, Federal or other public agencies having jurisdiction over such discharge to the receiving waters;

ix. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable State or Federal regulations;

x. Any waters or wastes having a Ph in excess of 9.0;

xi. Materials which exert or cause:

(a) Unusual concentrations of suspended solids, over 250 ppm (such as, but not limited to, sodium chloride and sodium sulfate); or

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions) in such concentrations so as to exceed 200 platinum-cobalt standard units or such other limits as may be established by the Engineer, as necessary, after treatment of the composite sewerage to meet requirements of State, Federal or other public agencies having jurisdiction over such discharges to the receiving water.

xii. Any waste or wastewater which may create a fire or explosive hazard in the sewer system including, but not limited to, wastestreams with Closed-up Flash Point of less than 140 degrees Fahrenheit (or 60 degrees Centigrade), using the test method specified in 40 CFR 261.21;

xiii. Any waste or wastewater which may cause an explosive hazard in the sewer system including, but not limited to, any waste which may cause an explosive meter reading at the point of discharge or at any point in the sewer system of over 15% of Lower Explosive Limit ("LEL") of the meter;

xiv. Any trucked or hauled waste or wastewater including, but not limited to, septic waste;

xv. Any sludge, screening or other residues from the pretreatment of industrial wastes or other sources; or

xvi. Any medical waste or wastewater, unless specifically authorized by the Authority.

9.1.1. LOCAL EFFLUENT DISCHARGE LIMITATIONS.

a. The following local effluent discharge limits for non-residential dischargers in the Stage IV sewer service area are established pursuant to the recommendations of the Authority's Engineer:

- (i) Arsenic .048 mg/l Daily maximum (24 hour composite period)
- (ii) Phosphorus 11.30 mg/l Daily maximum (24 hour composite period)

b. To ensure compliance with the Authority's local effluent discharge limits, the Authority may, at any such time that the Authority determines that a user may be discharging in amounts that may exceed these limits, establish a periodic monitoring requirement and undertake or require the discharger to undertake periodic sampling, the costs of which shall be borne by the discharger. The periodic monitoring requirement shall set forth a specific monitoring schedule which shall include the number and quantity of the samples to be collected and the frequency of the collection of such samples. If for any reason the sampling is not conducted in accord with the established schedule or the Authority believes, for any reason, that the established schedule is not sufficient to ensure compliance with the Authority's local effluent discharge limits, the Authority may require additional sampling. If, in the Authority's sole opinion, the inability to obtain samples or to comply with the sampling schedule is due to the intentional act of the user or owner of the facility or any of its employees or agents, then, in that event, the Authority may

impose its maximum penalties and fines as though the samples had indicated an exceedance of the applicable discharge limits, without regard to the provision regarding prior exceedances.

c. The Authority may, under limited and special circumstances, grant special exceptions and exemptions from the local discharge limits set forth in Section 9.1.1(a) herein. The discharger shall be required to submit a formal request to the Authority for an exception or exemption, which request shall include a detailed report addressing the areas described in subsection (i) through (vii) below, as well as any other information as may be requested by the Authority. The Authority, based on its judgment and review of the information provided to it, reserves the right to deny or approve a special exception or exemption request. The applicant for a special exception or exemption shall demonstrate, to the satisfaction of the Authority, at a minimum, that:

(i) The maximum available headworks loadings at the present flow will not be exceeded and that the Authority will be able to comply with the applicable permit and any other applicable criteria, even after the limit is revised for that applicant;

(ii) The applicant has considered and exhausted pretreatment, technical achievability, and/or other operation and maintenance options to comply with the limit;

(iii) The applicant is not able to achieve the limit even after implementation of the Best Available Technology (BAT) and/or the limit is at or below the Method Detection levels (MDL) or Practical Quantitation Levels;

(iv) Cost of compliance and/or pretreatment will be very burdensome or fatal to economic survival of the applicant;

(v) The exemption will comply with the Federal Categorical Standards and/or other applicable DEP Pretreatment regulations/requirements;

(vi) The discharger will otherwise comply with the Authority's existing regulations concerning prohibited wastes and other requirements;

(vii) The applicant agrees to abide by any and all special conditions or requirements imposed by the Authority upon granting a special exception or exemption;
and

(viii) The applicant has provided all the supporting documents and information requested by the Authority and has agreed to bear the cost of the entire review and approval process.

d. Failure to comply with Section 9.1.1 of the Rules and Regulations shall constitute a violation of the Rules and Regulations and shall subject the discharger to any and all applicable fines, penalties and other costs associated with such violation as provided in these Rules and Regulations, in addition to any other sanctions and remedies otherwise available by law.

9.2. WASTES SUBJECT TO AUTHORITY REVIEW. The admission into the system of any water or wastes having a five day biochemical oxygen demand (BOD5) in excess of 350 parts per million, by weight on a twenty-four hour composite basis, or for any grab sample having a five day BOD5 in excess of 500 mg per liter will be subject to review by the Authority. Where necessary, in the opinion of the Authority, the owner/customer shall provide and operate, at his own expense, such pre-treatment as may be required to reduce the BOD5 demand to meet the above requirements.

9.2.1. SUSPENDED SOLIDS. The admission into the system of any waters or wastes having a suspended solids content in excess of 350 parts per million by weight on a twenty-four hour composite basis or for any grab sample having a suspended solids content in excess of 500 mg per liter, will be subject to review by the Authority. Where necessary in the opinion of the Authority, pre-treatment may be required to reduce the suspended solids content to meet the above requirements.

9.2.2. DILUTED WASTES. The admission into the system of any waters or wastes in volumes, or with constituents, such that the existing dilution conditions in the system would be affected to the detriment of the Authority, shall be subject to review and approval by the Authority. Where necessary, in the opinion of the Authority, pre-treatment or equalizing units may be required to bring volume of flow within the limits previously described or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operations of any unit of the system. Such equalization or holding unit shall have a capacity suitable to serve its intended purpose, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

9.3. REJECTION OF OR RESTRICTIONS ON NON-COMPLYING WASTES. If any waters or wastes are being discharged, or are proposed to be discharged into the Authority's sewerage system, and such waters or wastes contain the substances, or possess the characteristics enumerated in any subsection of Section 9, and in the judgment of the Engineer, may adversely impact the Authority's compliance with applicable NJPDES permit limits and other governing laws and regulations, have a deleterious effect upon the sewerage works, processes, equipment or receiving waters, or

otherwise create a hazard to health or life or constitute a public nuisance, the Authority may:

- a. reject the wastes;
- b. require pretreatment to an acceptable condition for discharge to the public sewer system of the Authority;
- c. require a control manhole for metering and composite sampling of wastes;
- d. require control over quantities and rates of discharge; and/or
- e. require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges and the cost of remediation and/or repair of the sanitary sewer system and any other expenses incurred by the Authority or its agents as a result of the unpermitted discharge.

If the Authority permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer, and subject to the requirements of all applicable codes, ordinances, regulations, rules and laws. Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense. Control manholes and/or pre-treatment facilities shall be subject to periodic inspection by Authority representatives.

9.4. QUALITY OF EFFLUENCE. Each non-residential customer shall be responsible for maintaining a quality of effluence from the premises which shall conform to the Rules and Regulations herein established and with any agreement made with the Authority. Sampling and analysis required pursuant to these Rules and Regulations shall

be conducted in conformity with accepted practices and in accordance with the current edition of "Standard Methods for the Examination of Water and Waste Water as Approved by the American Public Health Association, American Waste Water Association and the Water Pollution Control Federation" or such other method as the Authority or its Engineer may specify.

9.4.1 GREASE TRAPS.

a. Restaurants, cafeterias, institutional kitchens and other facilities discharging sufficient quantities of grease, fats, wax, or oils such that they may potentially cause problems within the sewer system, shall use a grease trap. A garbage grinder shall not be used when a grease trap is required.

b. The grease trap shall be installed and used in accordance with the requirements set forth in the Plumbing Subcode.

c. All Restaurants, cafeterias, institutional kitchens and other facilities using a grease trap shall provide certification, a minimum of three (3) times per year, from a service company, that its grease traps have been properly maintained.

d. In addition to the Authority's other remedies, should the Authority or its agents incur costs to clean the sewer laterals or sewer lines in the vicinity of the restaurant, cafeteria, institutional kitchen or other facility due to grease, fats and/or oils, whether or not the restaurant, cafeteria, institutional kitchen or other facility has a grease trap, the owner and operator of the offending restaurant, cafeteria, institutional kitchen or other facility, irrespective of its compliance or non-compliance with the requirements of the Plumbing Subcode Official or section (c) above, shall be required to reimburse the Authority and its agents for all such costs.

e. In addition to other penalties and violations set forth in the Rules and Regulations, the Authority reserves the right to require existing restaurants, cafeterias, institutional kitchens and other facilities discharging sufficient quantities of grease, fats, wax, or oils to install grease traps, if the Authority, due to the activities at that location is required to clean its sewer lines, or if the Authority determines that the facility is exceeding the discharge limit for such substances as established by Article 9.1 (c) (ii) of its Rules and Regulations.

9.5. EXTRANEOUS FLOW. The Authority desires to reduce the level of infiltration and inflow throughout the sewer system. One significant source of infiltration and inflow is extraneous water which enters the sewer system through the discharge of storm water, surface water, ground water, roof run off, sub-surface drainage, swimming pool or pond water into the sanitary sewer system, all of which are prohibited sources of discharge. Another source of such extraneous flow is from sewer laterals which are cracked, broken or otherwise in need of repair.

9.5.1. MAINTENANCE OF BUILDING CONNECTION.

a. Under no circumstances shall the Authority be responsible for costs associated with locating or clearing blockages in laterals, or for the costs of any inspection to locate or detect any blockage in a lateral, regardless of location. Property owners must contact a licensed plumber to locate or clear any blockage. Authority representatives will only respond to clear a blockage when a property owner has satisfied the following conditions: (1) Property owner obtained the services of a licensed plumber and the licensed plumber certifies in writing that they cannot clear the blockage using proper tools; (2) the blockage has occurred between a property line cleanout and the

public sewer main, and; (3) the property owner has signed an agreement, in a form provided by the Authority, to reimburse the Authority for the costs associated with the work.

b. If a property owner believes that the lateral servicing their property is cracked, broken or otherwise in need of repair, the property owner is responsible for hiring a licensed plumber to determine the nature and location of the problem. Authority representatives will respond only to requests to check the Authority's sewer line to verify that it is open and flowing.

c. If a crack, break, or any other defect is located in the portion of the sewer lateral between the building and the curb, or, if there is no curb then between the building and the property line, the property owner is responsible for undertaking all excavation and repairs, and all costs associated with the excavation and repair of the sewer lateral shall be borne by the property owner whose property is serviced by the sewer lateral.

d. If a crack, break, or similar defect is located in the portion of the sewer lateral between the curb, or, if there is no curb then between the building and the property line, and the connection to the sewer line in the street, the Authority shall undertake and pay for costs associated with the excavation and repair of the sewer lateral. Notwithstanding the foregoing, the Authority shall not be responsible for returning the property to the condition that existed prior to undertaking the lateral repairs.

e. When the Authority identifies a sewer lateral which is cracked, broken or otherwise in need of repair, where the section of lateral in need of repair is located between the building and the curb, or, if there is no curb then between the building and the property line, the Authority shall notify the property owner whose property that

lateral services, by certified mail, return receipt requested, of the specific nature of the repair that is required to be made, to the extent known, and an estimate of the cost of such repair. The property owner will then have thirty days from the date of receipt of the notice from the Authority to undertake the necessary repairs to the sewer lateral at the property owner's sole expense.

f. In the event that a property owner does not undertake the required repairs as set forth in subsection e above, within thirty days of receipt of the notice from the Authority, the Authority shall undertake the required repairs at its own initiative and shall bill the property owner for all costs associated with those repairs. The Authority shall, not less than 60 days prior to the date of the performance of any work other than an inspection of the property, provide notice to the property owner and resident of the property on which the work will be performed of a description of the deficiency which necessitates the work, the proposed remedial action, the proposed commencement date and duration of the work. The Authority may utilize all statutory methods available to collect the cost of the repair of the sewer lateral including, but not limited to, those set forth in N.J.S.A. 40:14A-21, as amended, for the collection of delinquent sewer service charges. The Authority shall be entitled to the recovery of all expenses associated with the collection of the cost of repair of the sewer lateral, including all attorneys' fees. The Authority shall not be responsible for returning the property to the condition that existed prior to undertaking the lateral repairs.

9.5.2. OTHER SOURCES OF EXTRANEEOUS FLOW.

a. In addition to all other applicable provisions of these Rules and Regulations, any person who permits the discharge or causes to be discharged any storm

water, surface water (including parking lot run-off), ground water, roof run-off, sub-surface drainage, swimming pool or pond water whether by use of a sump pump, french drain or otherwise, into the sanitary sewer system shall be subject to a fine of not more than one thousand dollars (\$1,000), plus two hundred fifty dollars (\$250) per day for each day that the violation continues.

b. The Authority shall provide a property owner with a Notice of Violation, sent by certified mail, return receipt requested, setting forth the nature of the violation, the penalty to be imposed and any remedial action required to abate the violation. The violation shall be remediated and the penalty paid within 10 days of receipt of the Notice of Violation by the property owner unless a greater period of time is set forth in the Notice of Violation. Failure to take the remedial action directed by the Authority within 10 days of the Notice of Violation shall result in the assessment of additional penalties.

c. An appeal of the imposition of a penalty can be had in a Court of competent jurisdiction.

d. The Authority shall collect all outstanding penalties in the same manner as it is empowered to collect delinquent sewer service charges pursuant to N.J.S.A. 40:14A-21, as amended.

e. Nothing contained herein shall preclude the Authority from invoking any other enforcement mechanism available to it, including seeking injunctive relief.

9.5.3. DAMAGE TO THE SANITARY SEWER SYSTEM.

a. All costs associated with any and all damage, of whatever kind and nature, to the Authority's sanitary sewer system, including the operation of such system, shall be the responsibility of the person(s) determined by the Authority or its authorized agents to be responsible for causing the damage.

b. Any person who is determined to be responsible for any damage of whatever kind and nature shall be responsible for the costs of remediation and/or repair of the system and any other expenses incurred by the Authority or its agents as a result of the damage to the system. The property owner and applicant shall jointly and severally be liable for any and all expenses incurred herein.

c. In the event that the Authority determines that damage to the Authority's system was caused by a property owner or an applicant, or one of its agents, including its contractors and engineers, in connection with a current sewer application, the Authority shall issue a Stop Work Order, pursuant to Section 3.4.8 herein and all work shall cease until the damage is repaired. Any approvals granted by the Authority shall be considered withdrawn until the Authority has determined that any and all damage to the system has been repaired, to the satisfaction of the Authority and its Engineer, and the property owner and/or applicant has paid any and all costs incurred by the Authority or its agents in connection with such damage.

d. Nothing contained in this Section 9.5.3 shall limit the Authority's rights and remedies as set forth elsewhere in these Rules and Regulations and under any law.

9.6. ENFORCEMENT OF NON-COMPLYING WASTES. In addition to any fines and penalties imposed pursuant to Section 14 of the Rules and Regulations or

any other sanctions and remedies otherwise available by law or regulation, failure to comply with any provision of Section 9 of the Rules and Regulations shall subject the property owner and/or discharger to any and all costs incurred by the Authority, including any penalties or fines imposed upon the Authority by a local, state or federal entity, which are associated with such violation. In addition to the provisions herein, violations of the terms and conditions upon which pollutants may be introduced into the Authority's treatment works is governed by the provisions of N.J.S.A. 58:10A-6(i), as amended and the Authority shall be entitled to pursue all remedies set forth therein.

10. INFORMATION REQUIRED BY AUTHORITY FROM NON-RESIDENTIAL USERS. In addition to any other information required pursuant to these Rules and Regulations, non-residential customers shall furnish the Authority with the following information at the time of initial application for any approval, and whenever requested by the Authority:

- a.** number of employees or other persons whose primary place of work is the building in question;
- b.** type of business;
- c.** projected or actual water consumption;
- d.** description of any processes in the course of business utilizing water;
- e.** a listing of chemicals utilized, both identification and quantities used;
- f.** source, volume and rate of wastewater discharge;

- g.** an analysis of composite samples of wastewater or anticipated characteristics of sewerage and waste to be discharged;
- h.** plumbing drawings; and
- i.** other information deemed necessary by the Authority for the review of the application and/or determination of the impact or potential impact of the use on the Authority's system.

After the applicant has connected to the Authority's system, non-residential customers shall furnish effluent discharge reports pursuant to the Authority's directive on a semi-annual basis, unless otherwise required on a more frequent basis as required by the Authority's Rules and Regulations or by directive by the Authority.

11. INSPECTION.

11.1. AUTHORITY'S RIGHT OF INSPECTION. The Authority or any of its agents or representatives shall make or cause to be made inspection of any discharging facilities, residential and non-residential, which may be discharging sewerage or permitting sewerage to be discharged into the sewerage system of the Authority in order to determine compliance with the Authority's Rules and Regulations. All inspections shall be made following the giving of reasonable notice, at least twenty-four hours in advance, unless the Authority or its agents or representatives determine that reason exists to believe that the characteristics of the discharge will be altered if such notice is given.

11.2. COSTS OF INSPECTION. In the event that an inspection conducted by or on behalf of the Authority discloses a violation of the Rules and Regulations, or of any condition of an approval granted by the Authority, the costs associated with that inspection shall be borne by the user. Similarly, the cost of sampling and analysis to

determine compliance with the requirements herein imposed or with any agreement with the Authority or condition of approval shall be borne by the user, notwithstanding that such work has been performed by the Authority.

11.3. UNAUTHORIZED CONNECTIONS. Whenever the Authority becomes aware that a property is connected to the sewer system without proper authorization, the property owner shall provide the Authority with information which establishes the date the property was connected to the system. If the property owner is unable to establish that date, it will be presumed that the property was connected at the time the sewer system was first available for use by that property.

The property owner shall be required to pay the connection fee in effect at the time of the connection, as well as the annual sewer service fees from the established date of connection as that fee has been amended over time. Interest will also be charged on the delinquent sewer service fee at the statutory rate as provided for in N.J.S.A. 40:14A-21(a), as amended.

Notwithstanding the foregoing paragraph, if a property has been connected to the sewer system without authorization and has changed ownership since the time of the connection, the current owner of the property shall be required to pay the connection fee in effect at the time of the purchase of the property plus interest calculated from the date of purchase. The current owner shall also be responsible for payment of the delinquent annual sewer use fees from the time of the purchase of the property, together with interest.

The payment of all delinquent connection fees and sewer use fees together with interest, shall be made within thirty days of receipt of notice from the Authority. Failure

to pay the delinquent fees with interest within that time period shall result in the Authority pursuing other remedies available pursuant to statute or the Rules and Regulations of the Authority. In the event the Authority or its Engineer determines that the sewer lateral of a property which had connected to the system without proper authorization should be inspected, the Authority shall undertake the excavation of that lateral and the Engineer shall conduct the necessary inspection. The cost of excavation and inspection shall be borne by the property owner.

In the event that the Authority determines that the current owner of a property which has been connected to the sewer system without authorization knew or should have known of the necessary permit requirements and payment of fees at the time the property was connected but disregarded those requirements, the Authority shall impose a penalty on the property owner. The amount of the penalty shall depend upon the circumstances surrounding the connection and the relative harm which may result from the illegal connection, and shall not exceed \$1,000 for the first violation.

Nothing contained in this Section shall limit the power of the Authority to pursue any other action or remedy which is permitted by law, including the disconnection of the property.

12. RELAXATION OF REQUIREMENTS. Except as otherwise provided in these Rules and Regulations or by applicable law, the Authority may relax or waive any requirements of these Rules and Regulations upon good cause for such action having been established by the party requesting such action.

13. CONFLICT WITH OTHER REGULATIONS.

13.1. CONFLICT IN AUTHORITY, SRVSA AND DEP RULES. In the event there exists a conflict in the Rules and Regulations hereby imposed by the Authority and the rules and regulations of the SRVSA or the DEP, the more stringent shall govern.

13.2. REGULATIONS SUPERSEDE PRIOR INCONSISTENT RULES, REGULATIONS AND RESOLUTIONS. These Rules and Regulations, when adopted by the Authority, are intended to supersede all previously adopted Rules and Regulations. Except to the extent that previously adopted resolutions deal with specific applications or approvals, all such prior Rules and Regulations are repealed.

14. VIOLATIONS. Any violation of the Rules and Regulations of the Authority, including any violation of any condition or limitation of an approval issued pursuant thereto, shall be subject to the penalties provided in this Section and elsewhere in these Rules and Regulations, in addition to any sanctions and remedies otherwise available by law.

14.1. PENALTIES. In addition to any other sanctions and remedies otherwise available by law or by the Authority's Rules and Regulations, the Authority may impose monetary penalties for any violation pursuant to the following schedule:

a. First violation: a penalty of not more than one thousand dollars (\$1,000.00).

b. Each subsequent violation within one year of first violation: a penalty of not more than two thousand dollars (\$2,000.00).

Each day during which the same regulation, or condition or limitation in an approval, is violated shall constitute an additional separate and distinct offense subject to an additional penalty. Notwithstanding the foregoing, any person who commits a violation

under Section 9.5.2 (a) above, shall be subject to a fine of not more than one thousand dollars (\$1,000), plus two hundred and fifty dollars (\$250) per day for each day that the violation continues.

14.2. NOTICE OF VIOLATION. Except as otherwise provided in the Authority's Rules and Regulations, the Authority shall provide the person charged with a violation with a notice of violation, sent by certified mail, return receipt requested, setting forth the nature of the violation, the penalty to be imposed, and any remedial action required to abate the violation. The violation shall be remediated and the penalty paid within ten days of receipt of the notice of violation by the property owner, unless a lesser or greater period of time is set forth in the notice of violation. In addition to the potential for a continuing violation, failure to take the remedial action directed by the Authority within ten days of the notice of violation may result in the assessment of additional penalties.

14.3. HEARING. If the violator contests the imposition of a penalty, the violator may petition the Authority for a hearing to review the violation. Such petition must be filed with the Secretary within twenty days of receipt by the violator of the notice of violation and must include the following information:

a. The name, address and telephone number of the property owner and/or violator and the lot and block number of the property or properties involved;

b. The name and address of the violator's attorney, if the violator is to be represented at the hearing;

c. A brief and concise statement of the facts surrounding the violation, the basis for the violator's opposition to the penalty, an admission or denial of

any allegations contained in the notice of violation and any mitigating factors which may reduce the violator's liability; and

d. Any documents which support the reduction or rescission of the penalty.

Failure of a violator to timely submit the required information shall result in denial of the relief sought.

The hearing shall consist of the presentation of evidence mitigating or relieving the violator of liability. The rules of evidence shall not be applied to the proceedings. The determination of any legal issue shall be made by the Authority's attorney. In the event the Authority affirms the imposition of the penalty, in part or in whole, review may be had in a court of competent jurisdiction.

14.4. COLLECTION OF PENALTIES. The Authority shall collect all outstanding penalties in the same manner as it is empowered to collect delinquent sewer service charges pursuant to N.J.S.A. 40:14A-21, as amended. Interest shall accrue on the amount of the penalty at the rate set forth in N.J.S.A. 40:14A-21(c), as amended, beginning on the twenty-first day after the notice of violation is received by the violator until the penalty is paid in full. If review is sought before the Authority or in a court of competent jurisdiction and the determination of the Authority is upheld, interest shall accrue during the period of time the penalty is being contested. Nothing in this Section shall be construed to limit the Authority's ability to pursue civil penalties pursuant to N.J.S.A. 58:10A-6(i)(1) and 58:10A-10(e), as amended, or take any other action available at law.

14.5. REMEDIAL ACTION. If the notice of violation includes a direction to take remedial action, the violator must at the time of payment of the penalty, provide the Authority with evidence that such action has been taken and the violation has been remedied. Nothing in this Section shall preclude the Authority or its authorized representatives from entering upon the property of a violator and inspecting the premises to ensure compliance with the Authority's Rules and Regulations.

If any user shall fail or refuse, upon receipt of written notice from the Authority, to remedy any unsatisfactory condition relating to sewage discharge within a period of thirty days of receipt of such notice, the Authority shall have the right to disconnect the service lateral of such property or industry until such time as all violations have been corrected to the satisfaction of the Authority. Before re-use of the sewerage system is permitted, the costs for disconnection and reconnection shall be paid for by the disconnected party.

14.6. PROPERTY OWNER DEEMED RESPONSIBLE FOR ACTIONS BY TENANTS AND OCCUPANTS OF PROPERTY. For the purposes of enforcing the Authority's Rules and Regulations, the property owner shall be deemed responsible for actions by tenants and/or occupants of its property. Notwithstanding the foregoing, the Authority reserves the right to proceed with enforcement action directly against the tenant or occupant and/or the property owner.

15. PUBLIC INSPECTION OF THE AUTHORITY'S RECORDS. Requests to inspect records of the Authority shall be responded to in the manner required by the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1, et seq. Any request to inspect, examine or copy the Authority's records must be in writing and on the form adopted by

the Authority for such requests. Any such written request shall be hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the Authority's Administrator, who shall be considered to be the Custodian of Record for purposes of the OPRA. Charges for copying or reproducing shall be as permitted by law. In addition, where allowed by law, the Authority may assess special service charges for providing the requested documents.

16. CHARGE FOR DISHONORED CHECKS.

a. The Authority shall charge a \$20 service charge, or the maximum permitted by statute, for each check or other written instrument returned for insufficient funds.

b. At the Authority's sole discretion, for any person or business that has tendered an instrument which was returned for insufficient funds, the Authority may require any and or/all future payments to be tendered in cash or by certified or cashier's check.

17. IDENTITY THEFT PROTECTION PROGRAM OF THE WARREN TOWNSHIP SEWERAGE AUTHORITY.

17.1. BACKGROUND. Pursuant to federal law the Federal Trade Commission (the "FTC") adopted Identity Theft Rules requiring the creation of certain policies relating to the use of Customer reports, address discrepancy and the detection, prevention and mitigation of Identity Theft. The FTC regulations, adopted at 16 CFR § 681.2, require Creditors, as defined by 15 U.S.C. § 1681a(r)(5), to adopt "Red Flag" policies, and to enact an Identity Theft Prevention Program which will use the "Red Flags" to detect, prevent and mitigate Identity Theft related to information used in Covered Accounts. Additional FTC regulations, adopted at 16 CFR 681.1, require users of Customer Credit reports to develop policies and procedures relating to address

discrepancies between information provided by a Customer and information provided by a Customer Credit company.

15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a to define a “Creditor” as a Person that extends, renews or continues Credit, and defines “Credit” in part as the right to purchase property or services and defer payment therefor. The Authority is a Creditor with respect to 16 CFR § 681.2 by virtue of providing services or by otherwise accepting payment for municipal services in arrears, to wit, the provision of sewer services for which payment is made after the service has been provided and on accounts which are Covered Accounts as defined in the FTC regulations. The process of opening a new Covered Account and making payments on such accounts have been identified as potential processes in which Identity Theft could occur. The Authority has determined that there is a risk of Identity Theft occurring in the following ways: (a) Use by an applicant of another Person's Personal identifying information to establish a new Covered Account; and (b) use of another Person's Credit card, bank account, or other method of payment by a customer to pay such customer's Covered Account or accounts.

17.2. PURPOSE. The purpose of these regulations is to establish an Identity Theft Prevention Program (“Program”) designed to detect, prevent and mitigate Identity Theft in connection with the opening of a Covered Account or an existing Covered Account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003. Moreover, the risk to the Authority, its employees and customers from data loss and Identity Theft is of

significant concern to the Authority and can be reduced only through the combined efforts of every employee and contractor.

The Authority adopts this Program to help protect employees, customers, contractors and the Authority from damages related to the loss or misuse of Sensitive Information.

This Program will:

1. Define Sensitive Information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the Authority in compliance with state and federal law regarding Identity Theft protection.

This Program enables the Authority to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the Authority from fraudulent new accounts. The Program will help the Authority:

1. Identify risks that signify potentially fraudulent activity within new or existing Covered Accounts;
2. Detect risks when they occur in Covered Accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the Program periodically, including reviewing the accounts that are covered and the identified risks that are part of the Program.

17.3. SCOPE. This Program applies to employees, contractors, consultants, temporary workers, and other workers at the Authority, including all Personnel affiliated with third parties.

17.4. DEFINITIONS.

1. “Covered Account” means:
 - a. An account that a financial institution, Creditor, or the Authority offers or maintains, primarily for business, Personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a Credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
 - b. Any other account that the financial institution or Creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or Creditor from Identity Theft, including financial, operational, compliance, reputation, or litigation risks.
2. “Credit” means the right granted by a Creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
3. “Creditor” means any Person who regularly extends, renews, or continues Credit; any Person who regularly arranges for the extension, renewal, or continuation of Credit; or any assignee of an original Creditor who participates in the decision to extend, renew, or continue Credit and includes utility companies and telecommunications companies. For purposes of these regulations, the Authority is a Creditor.
4. “Customer” means a Person that has a Covered Account with a Creditor.
5. “Identity Theft” means a fraud committed or attempted using identifying information of another Person without authority.
6. “Notice of Address Discrepancy” means a notice sent to a user by a Customer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(I), that informs the user of a substantial difference between the address for the Customer that the user provided to request the Customer report and the address(es) in the agency's file for the Customer.

7. “Person” means a natural Person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
8. “Red Flag” means a pattern, practice, or specific activity that indicates the possible existence of Identity Theft. Specific examples of Red Flags are found in Section 17.6.2 below, but that list is not intended to be inclusive.
9. “Sensitive Information” includes the following items whether stored in electronic or printed format:
 - a. Credit card or debit card information, including but not limited to the following:
 - i. Credit card or debit card number (in part or whole);
 - ii. Credit card or debit card expiration date;
 - iii. Cardholder name;
 - iv. Cardholder address.
 - b. Bank account or investment account information, including but not limited to the following:
 - i. Bank account or investment account number (in part or whole);
 - ii. Account holder name;
 - iii. Account holder address.
 - c. Tax identification numbers, including but not limited to:
 - i. Social Security number;
 - ii. Business identification number;
 - iii. Employer identification numbers.
 - d. Payroll information, including but not limited to:
 - i. Paychecks;
 - ii. Pay stubs.
 - e. Medical information for any employee or customer, including but not limited to:
 - i. Doctor names and claims;
 - ii. Insurance claims;
 - iii. Prescriptions;
 - iv. Any related Personal medical information.
 - f. Other Personal information belonging to any customer, employee or contractor, including but not limited to:

- i. Names;
- ii. Maiden name;
- iii. Date of birth;
- iv. Address;
- v. Phone numbers;
- vi. Social Security number;
- vii. Mother's maiden name;
- viii. Customer account number;
- ix. Driver's license number.

10. "Service Provider" means a Person that provides a service directly to the Authority.

17.5. SENSITIVE INFORMATION POLICY.

17.5.1. GENERALLY.

1. All employees responsible for or involved in the process of opening a Covered Account or accepting payment for a Covered Account shall check for Red Flags as indicators of possible Identity Theft.
2. Authority Personnel are encouraged to use common sense judgment in securing confidential information to the proper extent, including but not limited to complying with the requirements of these regulations.
3. This section should be read in conjunction with the Open Public Records Act. If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their supervisor, or the Authority's legal counsel. In the event that the Authority cannot resolve a conflict between this Program and the Open Public Records Act, the Authority or the Authority's legal counsel will contact the Government Records Council or other appropriate agency for guidance.

17.5.2. HARD COPY DISTRIBUTION.

Each employee and contractor performing work for the Authority will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with Sensitive Information will be locked when not in use.
2. Storage rooms containing documents with Sensitive Information and record retention areas will be locked at the end of each workday or when unsupervised.

3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing Sensitive Information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing Sensitive Information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled “*Confidential paper shredding and recycling.*” Authority records, however, may only be destroyed in accordance with the city’s records retention policy, the Open Public Records Act, and any other applicable federal, state, and local statutes, regulations, or ordinances.

17.5.3. ELECTRONIC DISTRIBUTION.

Each employee and contractor performing work for the Authority will comply with the following policies:

1. Internally, Sensitive Information may be transmitted using approved e-mail. All Sensitive Information must be encrypted when stored in an electronic format.
2. Any Sensitive Information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information and is intended for the Person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

17.6. IDENTITY THEFT PREVENTION PROGRAM.

17.6.1. COVERED ACCOUNTS. A Covered Account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this Program:

1. Business, Personal and household accounts for which there is a reasonably foreseeable risk of Identity Theft; or
2. Business, Personal, and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the Authority from Identity Theft, including financial, operational, compliance, reputation, or litigation risks.

17.6.2. Red Flags. The following Red Flags are potential indicators of fraud. Any time a Red Flag, or a situation closely resembling a Red Flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a Customer reporting agency;
2. A fraud or active duty alert included with a Customer report;
3. A notice of Credit freeze from a Customer reporting agency in response to a request for a Customer report; or
4. A Notice of Address Discrepancy from a Customer reporting agency as defined in §334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

Red Flags also include Customer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

5. A recent and significant increase in the volume of inquiries;
6. An unusual number of recently established Credit relationships;
7. A material change in the use of Credit, especially with respect to recently established Credit relationships; or
8. An account that was closed for cause or identified for abuse of account privileges by a financial institution or Creditor.

Red Flags can also include suspicious documents, which include but are not limited to:

9. Documents provided for identification that appear to have been altered or forged.
10. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
11. Other information on the identification is not consistent with information provided by the Person opening a new Covered Account or customer presenting the identification.
12. Other information on the identification is not consistent with readily accessible information that is on file with the Authority, such as a signature card or a recent check.
13. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

Suspicious Personal identifying information also constitutes a Red Flag, and includes, but is not limited to:

14. Personal identifying information provided is inconsistent when compared against external information sources used by the Authority. For example:
 - a. The address does not match any address in the Customer report;
 - b. The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
 - c. Personal identifying information provided by the customer is not consistent with other Personal identifying information provided by the customer, e.g. there is a lack of correlation between the SSN range and date of birth.
15. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Authority, e.g. the address on an application is the same as the address provided on a fraudulent application.
16. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Authority. For example:
 - a. The address on an application is fictitious, a mail drop, or a prison; or
 - b. The phone number is invalid or is associated with a pager or answering service.
17. The SSN provided is the same as that submitted by other Persons opening an account or other customers.
18. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other Persons opening accounts.
19. The customer or the Person opening the Covered Account fails to provide all required Personal identifying information on an application or in response to notification that the application is incomplete.
20. Personal identifying information provided is not consistent with Personal identifying information that is on file with the Authority.
21. When using security questions (e.g. mother's maiden name, pet's name, etc.), the Person opening the Covered Account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or Customer report.

Unusual use of, or suspicious activity related to, the Covered Account is a Red Flag, and includes, but is not limited to:

22. Shortly following the notice of a change of address for a Covered Account, the Authority receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
23. A new revolving Credit account is used in a manner commonly associated with known patterns of fraud patterns, e.g. the customer fails to make the first payment or makes an initial payment but no subsequent payments.
24. A Covered Account is used in a manner that is not consistent with established patterns of activity on the account, for example:
 - a. Nonpayment when there is no history of late or missed payments;
 - b. A material change in purchasing or usage patterns.
25. A Covered Account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
26. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's Covered Account.
27. The Authority is notified that the customer is not receiving paper account statements.
28. The Authority is notified of unauthorized charges or transactions in connection with a customer's Covered Account.
29. The Authority receives notice from customers, victims of Identity Theft, law enforcement authorities, or other Persons regarding possible Identity Theft in connection with Covered Accounts held by the Authority.
30. The Authority is notified by a customer, a victim of Identity Theft, a law enforcement authority, or any other Person that it has opened a fraudulent account for a Person engaged in Identity Theft.

17.7. RESPONDING TO RED FLAGS.

17.7.1. PREVENTION AND MITIGATION OF IDENTITY THEFT.

1. In the event that any Authority employee responsible for or involved in restoring an existing Covered Account or accepting payment for a Covered Account becomes aware of Red Flags indicating possible Identity Theft with respect to existing Covered Accounts, such employee shall use his or her discretion to

determine whether such Red Flag or combination of Red Flags suggests a threat of Identity Theft. If, in his or her discretion, such employee determines that Identity Theft or attempted Identity Theft is likely or probable, such employee shall immediately report such Red Flags to the Authority Administrator. If, in his or her discretion, such employee deems that Identity Theft is unlikely or that reliable information is available to reconcile Red Flags, the employee shall gather all related documentation and write a description of the situation, and convey this information to the Authority Administrator, who will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic and may in his or her discretion determine that no further action is necessary. If the Authority Administrator in his or her discretion determines that further action is necessary, a Authority employee shall perform one or more of the following responses, as determined to be appropriate by the Authority Administrator:

- a. Canceling the transaction;
 - b. Contact the customer;
 - c. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's Covered Account:
 - i. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - ii. close the account;
 - d. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 - e. Notify a debt collector within 24 hours of the discovery of likely or probable Identity Theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of Identity Theft relating to such account;
 - f. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing Personal identifying information; or
 - g. Determining the extent of liability of the Authority; and
 - h. Take other appropriate action to prevent or mitigate Identity Theft.
2. In the event that any Authority employee responsible for or involved in opening a new Covered Account becomes aware of Red Flags indicating possible Identity Theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such Red Flag or combination of Red Flags suggests a threat of Identity Theft. If, in his or her discretion, such employee determines that Identity Theft or attempted Identity Theft is likely or probable, such employee shall gather all related documentation and write a description of the situation, and convey this information to the Authority Administrator, who

will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic and may in his or her discretion determine that no further action is necessary. If, in his or her discretion, such employee deems that Identity Theft is unlikely or that reliable information is available to reconcile Red Flags, the employee shall convey this information to the Authority Administrator, who may in his or her discretion determine that no further action is necessary. If the Authority Administrator in his or her discretion determines that further action is necessary, a Authority employee shall perform one or more of the following responses, as determined to be appropriate by the Authority Administrator:

- a. Request additional identifying information from the applicant;
- b. Deny the application for the new account;
- c. Notify law enforcement of possible Identity Theft; or
- d. Take other appropriate action to prevent or mitigate Identity Theft.

17.7.2. TREATMENT OF ADDRESS DISCREPANCIES

Pursuant to 16 CFR § 681.1, this establishes a process by which the Authority will be able to form a reasonable belief that a Customer report relates to the Customer about whom it has requested a Customer Credit report when the Authority has received a Notice of Address Discrepancy. In the event that the Authority receives a Notice of Address Discrepancy, the Authority employee responsible for verifying Customer addresses for the purpose of providing the municipal service or account sought by the Customer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the Customer report with:
 - a. Information the Authority obtains and uses to verify a Customer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
 - b. Information the Authority maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - c. Information the Authority obtains from third-party sources that are deemed reliable by the relevant Authority employee; or
2. Verify the information in the Customer report with the Customer.

17.7.3. FURNISHING CUSTOMER'S ADDRESS TO CUSTOMER REPORTING AGENCY.

1. In the event that the Authority reasonably confirms that an address provided by a Customer to the Authority is accurate, the Authority is required to provide such address to the Customer reporting agency from which the Authority received a

Notice of Address Discrepancy with respect to such Customer. This information is required to be provided to the Customer reporting agency when:

- a. The Authority is able to form a reasonable belief that the Customer report relates to the Customer about whom the Authority requested the report;
 - b. The Authority establishes a continuing relation with the Customer; and
 - c. The Authority regularly and in the ordinary course of business provides information to the Customer reporting agency from which it received the Notice of Address Discrepancy.
2. Such information shall be provided to the Customer reporting agency as part of the information regularly provided by the Authority to such agency for the reporting period in which the Authority establishes a relationship with the customer.

17.7.4. METHODS OF CONFIRMING CUSTOMER ADDRESSES.

The Authority employee charged with confirming Customer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the Customer;
2. Reviewing the Authority's records to verify the Customer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.

17.8. PERIODIC UPDATES TO PLAN

The Authority Board shall annually review and, as deemed necessary by the Board, update the Identity Theft Prevention Program along with any relevant Red Flags in order to reflect changes in risks to customers or to the safety and soundness of the Authority and its Covered Accounts from Identity Theft. In so doing, the Authority Board shall consider the following factors and exercise its discretion in amending the Program:

1. The Authority's experiences with Identity Theft;
2. Updates in methods of Identity Theft;
3. Updates in customary methods used to detect, prevent, and mitigate Identity Theft;
4. Updates in the types of accounts that the Authority offers or maintains; and
5. Updates in Service Provider arrangements.

Periodic reviews will include an assessment of which accounts are covered by the Program. As part of the review, Red Flags may be revised, replaced or eliminated. Defining new Red Flags may also be appropriate. Actions to take in the event that fraudulent activity is discovered may also require revision to the plan in order to reduce damage to the Authority and its customers.

17.9. PROGRAM ADMINISTRATION.

17.9.1. INVOLVEMENT OF MANAGEMENT.

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the Authority. Approval of the initial plan must be appropriately documented and maintained. The Authority is responsible for reviewing reports prepared by staff regarding compliance with Red Flag requirements and with recommending material changes to the Program, as necessary in the opinion of the Authority, to address changing Identity Theft risks and to identify new or discontinued types of Covered Accounts.
3. Operational responsibility of the Program is delegated to the Authority Administrator.
4. The Authority Administrator will report to the Authority at least annually, on compliance with the Red Flag requirements. The report will address material matters related to the Program and evaluate issues such as:
 - a. The effectiveness of the policies and procedures of the Authority in addressing the risk of Identity Theft in connection with the opening of Covered Accounts and with respect to existing Covered Accounts;
 - b. Service Provider arrangements;
 - c. Significant incidents involving Identity Theft and management's response; and
 - d. Recommendations for material changes to the Program.

17.9.2. STAFF TRAINING.

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or Personally identifiable information that may constitute a risk to the Authority or its customers.
2. The Authority Administrator is responsible for ensuring Identity Theft training for all requisite employees and contractors.

3. Employees must receive annual training in all elements of this Program.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the Program are made. The Authority Administrator shall exercise his or her discretion in determining the amount and substance of training necessary.

17.9.3. OVERSIGHT OF SERVICE PROVIDER ARRANGEMENTS.

1. It is the responsibility of the Authority to ensure that the activities of all Service Providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.
2. A Service Provider that maintains its own identity theft prevention program, consistent with the guidance of the Red Flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements. The Authority Administrator shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the Service Provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any Red Flags that may arise in the performance of the Service Provider's activities and take appropriate steps to prevent or mitigate Identity Theft.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

SCHEDULE A

APPLICATION FEE SCHEDULE

1.	Preliminary Application.....	\$100
2.	Final Application	\$100
3.	Connection Permit Application	\$100
4.	Concept Plan Application	\$100
5.	Application for Waiver	\$100
6.	Request to Review Water Quality Management Plan Amendment	\$25
7.	Emergency Connection Application	\$100
8.	Single Family Application	\$100
9.	Construction Within a Sanitary Sewer Easement	\$100
10.	Change in Use/Increased Flow	\$100
11.	Request for Extension of Prior Approval	\$100
12.	All Other Applications.....	\$100

SCHEDULE B

ESCROW FUND SCHEDULE

The escrow amounts set forth herein are the initial deposits required. Applicants will be required to add additional funds to the escrow account if the initial or subsequent deposits are insufficient to cover all escrow costs incurred.

I. PRELIMINARY APPROVAL FOR SUBDIVISION

1-10 lots or units	\$1,750
11-25 lots or units	2,000
26-50 lots or units	3,000
51-100 lots or units	5,000
101 or more lots or units	7,500

An additional escrow amount of \$20.00 per linear foot will be required at the time of Preliminary Approval to cover engineering inspection fees, unless a different amount is determined at the time of Preliminary Approval.

II. FINAL APPROVAL FOR RESIDENTIAL SUBDIVISION

1-25 lots or units	\$1,000
26-50 lots or units	1,500
51-100 lots or units	2,500
101 or more lots or units	3,500

III. PRELIMINARY APPROVAL FOR NON-RESIDENTIAL APPLICATIONS

Less than 10,000 square feet	\$1,750
10,001 – 50,000 square feet	2,750
50,001 – 100,000 square feet	3,500
100,001 or more square feet	5,000

An additional escrow amount of \$20.00 per linear foot will be required at the time of Preliminary Approval to cover engineering inspection fees, unless a different amount is determined at the time of Preliminary Approval.

IV. FINAL APPROVAL FOR NON-RESIDENTIAL APPLICATIONS

Less than 10,000 square feet	\$1,000
10,001 or more square feet	2,000

V. PRELIMINARY AND FINAL APPROVAL FOR SINGLE DWELLING WHERE NO SEWER EXTENSION IS REQUIRED

Single dwelling review	\$ 1,500
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An additional escrow amount to be determined at time of review will be required at the time of Preliminary and Final Approval to cover engineering inspection fees, where such engineering inspection shall be required. The applicant shall schedule such inspections at least 48 hours in advance. On the day of construction, the applicant's contractor shall coordinate the actual time for the inspection with the Authority's engineer such that the inspection will be made after the saddle tap and lateral pipe in the road or easement has been installed and properly bedded, but prior to backfilling. Any delays or additional site visits will result in additional escrow fees being incurred.

VI. PRELIMINARY APPROVAL FOR SINGLE CONNECTION WHERE SEWER EXTENSION IS REQUIRED

Single connection review	\$1,750
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VII. FINAL APPROVAL FOR SINGLE CONNECTION WHERE SEWER EXTENSION IS REQUIRED

Single connection requiring sewer extension	\$ 750
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VIII. CONCEPT PLAN	\$ 1,000
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IX. WAIVER	\$ 500
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X. EMERGENCY CONNECTION	\$ 1,000
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XI. REVIEW OF WATER QUALITY MANAGEMENT PLAN AMENDMENT	\$ 1,500
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XII. CONSTRUCTION WITHIN A SANITARY SEWER EASEMENT	\$ 500
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XIII. CHANGE IN USE/INCREASE FLOW	\$ 1,000
XIV. REQUEST FOR EXTENSION OF PRIOR APPROVAL	\$ 500
XV. ALL OTHER APPLICATIONS	\$ 500

* The escrow amount stated herein is the initial deposit required, applicant will be required to add additional funds to this account as these funds are depleted.

SCHEDULE C

CONNECTION AND SEWER USE FEES SCHEDULE

CONNECTION FEES:

The Warren Township Sewerage Authority connection fee for a single residential dwelling or equivalent dwelling unit ("EDU") is established by resolution by the Authority on a periodic basis as required by law. For any non-residential connection, the fee is charged per EDU, each EDU being equivalent to 280 gallons per day.

The Somerset Raritan Valley Sewerage Authority ("SRVSA") connection fee is established by resolution by SRVSA on a periodic basis as required by law. For any non-residential connection, the fee is charged per EDU, each EDU being equivalent to 300 gallons per day, for purposes of SRVSA's determination.

The Township of Berkeley Heights connection fee is established by Berkeley Heights on a periodic basis as required by law. For any non-residential connection, the fee is charged per EDU, each EDU being equivalent to 360 gallons per day, for purposes of Berkeley Heights' determination.

SEWER USE FEES:

The residential sewer use fee consists of two components, the minimum annual service charge and the variable service charge. The minimum annual service charge and the variable service charge are established by resolution by the Authority on a periodic basis as required by law. For Unmetered Residential users, the variable service charge is based on an assumed water consumption in an amount established by resolution by the Authority on a periodic basis as required by law.

The non-residential sewer use fee per EDU is established by resolution by the Authority on a periodic basis as required by law. An EDU is 280 gallons per day.